

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Nov 26, 2001 13:41

PAPER NUMBER: LTR-01-0624 **LOGGING DATE:** 11/26/2001
ACTION OFFICE: OGC

AUTHOR: John Dingell
AFFILIATION: REP
ADDRESSEE: Richard Meserve
SUBJECT: Request legal memorandum detailing the NRC's independent authority over the movement of nuclear materials....

ACTION: Signature of Chairman
DISTRIBUTION: Chairman, EDO, RF

LETTER DATE: 11/26/2001
ACKNOWLEDGED: No
SPECIAL HANDLING: OCA to Ack
NOTES: Commission Review
FILE LOCATION: Adams

DATE DUE: 12/12/2001 **DATE SIGNED:**

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U.S. House of Representatives
Committee on Energy and Commerce
 Washington, DC 20515-6115

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November 26, 2001

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The Honorable Richard A. Meserve
 Chairman
 Nuclear Regulatory Commission
 One White Flint North Building
 11555 Rockville Pike
 Rockville, Maryland 20852

Dear Chairman Meserve:

I write to request that your staff expeditiously provide me with a legal memorandum detailing the Nuclear Regulatory Commission's (NRC) long held, independent authority over the movement of nuclear materials.

The Atomic Energy Act of 1954 vests the NRC with independent, primary, and in most cases, exclusive control over radioactive materials. This control clearly extends not only to the possession and use of these materials, but also their movement, whether within the United States or for import and export.

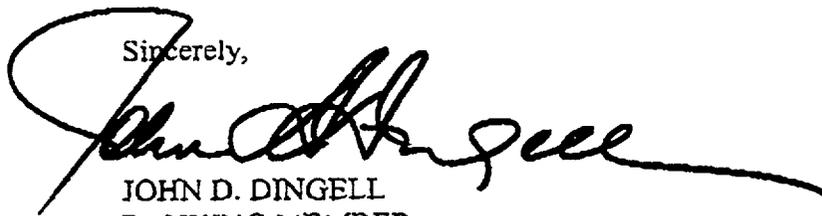
Despite its existing authority to regulate solely the movement of radioactive materials, it is my understanding that NRC has consented, via a Memorandum of Understanding, to abide by certain regulations issued by the Department of Transportation (DOT) regarding the transportation of hazardous materials. However, while this voluntary arrangement likely provides for efficiency in regulating the movement of radioactive materials, it clearly does not deprive NRC of its ability to reassert its statutory authority over the transportation of these materials whenever it may so choose vitiate the arrangement with the DOT.

Unfortunately, some who are unfamiliar with the Atomic Energy Act and NRC's role in regulating radioactive material have raised questions about NRC's independent authority over the transportation of materials under its jurisdiction. Therefore, I request that you provide me with a legal memorandum detailing your authority in this area from enactment of the Atomic Energy Act of 1954 to the present.

The Honorable Richard A. Meserve
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Thank you for your prompt attention to my request. If you have any questions, please contact me, or have your staff contact Rick Kessler of the Energy and Commerce Committee Minority Staff at (202) 226-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

JOHN D. DINGELL
RANKING MEMBER

cc: The Honorable W. J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce