

EDO Principal Correspondence Control

FROM: DUE: 11/07/02 EDO CONTROL: G20020621
DOC DT: 10/25/02
FINAL REPLY:

Jill Lipoti
State of New Jersey

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 02-0701

Chairman Meserve

DESC:

ROUTING:

MOU Between EPA and NRC on Decommissioning and
Decontamination of Sites Contaminated with
Radioactive Materials

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr

DATE: 10/28/02

ASSIGNED TO: CONTACT:

NMSS

Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 28, 2002 11:08

PAPER NUMBER: LTR-02-0701 LOGGING DATE: 10/25/2002
ACTION OFFICE: EDO

AUTHOR: Phd Jill Lipoti
AFFILIATION: NJ
ADDRESSEE: CHRM Richard Meserve
SUBJECT: Concerns MOU between the EPA and NRC on decommissioning and decontamination of sites
contaminated with radioactive materials

ACTION: Signature of Chairman
DISTRIBUTION: RF

LETTER DATE: 10/25/2002
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES: Commission Correspondence

FILE LOCATION: ADAMS

DATE DUE: 11/12/2002 DATE SIGNED:

12354

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James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

October 25, 2002

The Honorable Richard A. Meserve, Chairman
United States Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Meserve:

I am writing to you today to inform you of the New Jersey Radiation Protection Program's concerns regarding the Memorandum of Understanding (MOU) between the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) on decommissioning and decontamination of sites contaminated with radioactive materials.

We strongly object to the process for development of the MOU that allowed no discussion with states. States have the potential to be strongly impacted by this agreement, but no drafts were circulated to states, no comments were sought from states, and no states were involved. Since the MOU was signed a public meeting was scheduled with the EPA to discuss implementation. It will be held on November 5, from 1-4:30 pm in Rockville. Quoting directly from the press announcement of this meeting, "The public is invited to meet informally with the NRC and EPA staff beginning at 12:30 pm and to participate in the meeting at designated points identified on the agenda." From this announcement, it is obvious that there is no opportunity to provide any substantive comments that might lead to any changes in the MOU.

Notice of the public meeting was given on October 23 for a meeting that will take place on November 5. Two weeks notice is not adequate to obtain approval to travel to attend the meeting in Washington, DC with the current travel restrictions.

The Radiation Protection Program has significant technical concerns with the application of the MOU to sites within New Jersey. However, it appears that there is no opportunity to raise these concerns directly with the agencies that have signed the MOU.

One of the NRC's principles of good regulation is "openness". As you state in your Information

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Digest, nuclear regulation is the public's business and it must be transacted publicly and candidly. Open channels of communication must be maintained with Congress, other Government agencies, licensees and the public. In the case of the clean-up of contaminated sites, states are more than just stakeholders with whom to communicate. States are co-regulators. It would have been in the NRC's best interest to communicate openly with states before the MOU was signed.

Please let me know how you intend to entertain substantive comments.

Sincerely,



Jill Lipoti, Ph.D.,
Assistant Director