



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 13, 2002

The Honorable Joseph R. Biden, Jr., Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to report on the status of the development of a Memorandum of Understanding (MOU) between the NRC and the U.S. Environmental Protection Agency (EPA), concerning remediation of sites under NRC regulatory authority and avoidance of dual regulation. In my letter to you of June 26, 2002, the Commission committed to providing a further status report.

We have delayed providing this most recent status report pending completion of the Commission's review of the proposed MOU. The Commission, in approving the MOU with certain minor changes, has sought to limit the potential for dual regulation. In this connection, the proposed MOU, as approved by the Commission, provides for EPA to continue its policy of deferral to NRC decommissioning decision-making for the majority of NRC licensees (i.e., those not considering restricted release or alternate criteria for license termination, those sites without radioactive contamination that exceeds certain levels at the time of license termination, and those without ground-water contamination above EPA's drinking water maximum contaminant levels at the time of license termination). It includes provisions governing consultation for the sites for which EPA can not agree to defer.

This MOU does not fully meet the intent of the Appropriations Committee because the threat of dual regulation remains for certain NRC licensees. The Committee's direction to the two agencies was to enter into an MOU which would clarify the circumstances for EPA's involvement at NRC sites "when requested by the NRC." EPA could not agree to such a limited role. As a result, unnecessary dual regulation will continue under this MOU. Thus, the Commission believes that legislation is still needed to eliminate dual regulation for these remaining NRC licensees. In completing action on the proposed MOU, the Commission has directed the NRC staff to continue to pursue such legislation.

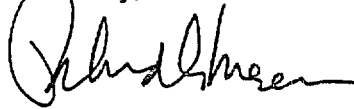


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The Commission is ready to sign the MOU with minor changes and has forwarded it to EPA. The Commission will report to you by November 29, 2002, on the status of our efforts to complete a final MOU. If you desire additional information or clarification, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Meserve". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke at the end.

Richard A. Meserve

cc: Senator Jesse Helms