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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 7, 1997

The Honorable Michael G. Oxley  
House Commerce Committee  
Subcommittee on Finance and Hazardous Materials  
U.S. House of Representatives  
Washington, DC 20515-3574

Dear Congressman Oxley:

The Commission has concerns in several areas that the NRC hopes could be addressed in Superfund reauthorization legislation. In particular, the Commission would like to see legislation which would achieve finality in Commission decisions in site decontamination and decommissioning, avoid negative impact on NRC's Agreement State programs and avoid inappropriate use of Safe Drinking Water Act established Maximum Contaminant Levels for cleanup of radionuclides. The Commission has written previously to the Congress stating policy views on these issues and suggesting legislation that would address these issues.

On October 10, 1997, Chairman Shirley Ann Jackson wrote you in support of a draft legislative product based upon staff to staff discussions. Based on additional staff discussions, the NRC could support the enclosed draft legislation, which would address the basic issues.

If you wish to discuss any of these matters further, please feel free to contact me or my staff.

Sincerely,

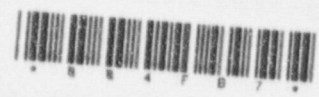
Handwritten signature of Dennis K. Rathbun in dark ink.

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: As Stated

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NUCLEAR REGULATORY COMMISSION PROPOSED  
DRAFT LEGISLATION TO AMEND CERCLA

1. Section 121 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9621) is further amended by adding the following new paragraph at the end of subsection (b):\*

"(4) SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.-No authority of this Act may be used to commence an administrative or judicial action with respect to source, special nuclear or byproduct material that is subject to decontamination regulations issued by the Nuclear Regulatory Commission for license termination under the Atomic Energy Act of 1954, or by a State which has entered into an agreement pursuant to section 247b. of that Act, unless such action is requested by the Nuclear Regulatory Commission or, in the case of such material under the jurisdiction of a State which has entered into an agreement pursuant to section 247b. of that Act, the Governor of the State.

2. Section 101(10) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §9601(10)) is amended by inserting the following before the period at the end of paragraph (K):

"or any release of such material in accordance with regulations of the Nuclear Regulatory Commission following termination of a license issued by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954 (42 USC §2011 et seq.) or by a State acting under an agreement entered into pursuant to section 274 of the Atomic Energy Act of 1954.

\*Note that this placement of the proposed amendment of section 121 is based on draft bill provisions developed by members of the House Commerce Committee. The exact placement of the amendment in the legislation will depend on the version of the bill under consideration. Conforming changes may also be needed in other provisions of the bill.



CONGRESSIONAL CORRESPONDENCE SYSTEM  
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1. BRIEF DESCRIPTION OF DOCUMENT(S) 7th Rep. Odey
2. TYPE OF DOCUMENT ☒ CORRESPONDENCE ☐ HEARINGS (Qs/As)
3. DOCUMENT CONTROL ☐ SENSITIVE (NRC ONLY) ☒ NON-SENSITIVE
4. CONGRESSIONAL COMMITTEE AND SUBCOMMITTEE (if applicable)  
\_\_\_\_\_  
Congressional Committee  
\_\_\_\_\_  
Subcommittee
5. SUBJECT CODES  
(A) \_\_\_\_\_  
(B) \_\_\_\_\_  
(C) \_\_\_\_\_
6. SOURCE OF DOCUMENTS  
(A) \_\_\_\_\_ 5520 (DOCUMENT NAME \_\_\_\_\_)  
(B) \_\_\_\_\_ SCAN (C) \_\_\_\_\_ ATTACHMENTS  
(D) \_\_\_\_\_ OTHER \_\_\_\_\_
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(A) 2/4/98 DATA OCA SENT DOCUMENT TO CCS  
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