

MEMORANDUM FOR: Jar L. Blaha, Assistant for Operations  
 Office of the Executive Director  
 for Operations

FEB 01 1993

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FROM: Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

SUBJECT: COMMENT ON S. 171, DEPARTMENT OF ENVIRONMENT ACT OF 1993

The subject bill, which would elevate the U.S. Environmental Protection Agency to cabinet-level status, would also establish a new Commission on Improving Environmental Protection (CIEP) to advise the President and the Congress on several matters related to the policies and operations of the new Department of the Environment. The first sentence of the statement of Commission responsibilities (Section 302(a)) calls for recommendations on implementation of environmental laws and programs. Recognizing that the new Department of the Environment would not have implementation authority in certain areas (e.g., Atomic Energy Act), the parenthetical phrase "(where implementation authority has been granted to the Department of the Environment)" should be inserted after the word "implementation."

The CIEP is also to provide advice on "...the need to...enhance the consistency of policies throughout the Department" (see Section 302(a)(4)). The Office of Nuclear Material Safety and Safeguards (NMSS) generally supports this assignment for the CIEP, and believes that consistency of policies is a laudable goal. However, the CIEP should not interpret this language as a mandate to rigidly impose consistency within the new Department even in those cases where there are good reasons for different treatment of different kinds of environmental risks. For example, the EPA Science Advisory Board's Commentary on Harmonizing Chemical and Radiation Risk-Reduction Strategies recognized that practical reasons may justify "inconsistent" policies for the two types of risks. Perhaps the language cited above could be modified by appending the phrase "to the extent appropriate."

NMSS has no other comments on this draft bill

*for B.J. Youngblood*  
 Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

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