



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2004

OFFICE OF
AIR AND RADIATION

Mr. Lawrence E. Kokajko, Chief
Environmental and Performance Assessment Branch
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Kokajko:

In response to your letter of invitation we, the U.S. Environmental Protection Agency (EPA), would like to accept your request to become a cooperating agency on the Nuclear Regulatory Commission's (NRC's) development of a rulemaking controlling the disposition of solid materials. We understand this role to be consistent with regulations developed by the Council on Environmental Quality that implement the National Environmental Policy Act (NEPA). More specifically, we expect our involvement to focus on the review of various drafts of the Generic Environmental Impact Statement (GEIS), review of associated documents, and participation on relevant working and managerial steering groups.

By assuming this role as a cooperating agency, EPA believes that it can contribute to the review of the NRC effort. EPA's role as a cooperating agency does not imply EPA's endorsement of NRC's selection of specific approaches, alternatives or options. EPA will conduct independent reviews of the Draft and Final EIS, and associated documents, in accordance with Section 309 of the Clean Air Act, 42 U.S.C. 7609. The following addresses the specific roles of the respective agencies.

EPA understands its responsibilities as a cooperating agency to be as follows:

- ▶ EPA will participate on working groups and managerial steering groups related to this rulemaking effort;
- ▶ EPA will provide timely review of documents and written comments to NRC on the GEIS and associated documents;
- ▶ EPA recognizes that the comments it provides to the NRC are advisory; and
- ▶ Given resource limitations and other practicalities, EPA commits to work within NRC's EIS preparation schedule to the extent practicable.

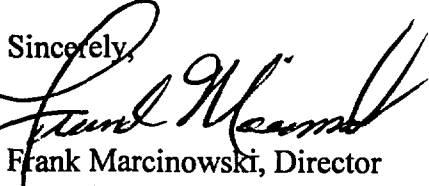
EPA understands NRC responsibilities as the lead agency to be as follows:

- ▶ NRC will forward all comments it receives from working group members during preparation of the draft EIS as well as make available all comments it receives during the formal EIS comment period;

- ▶ NRC will consult with EPA but will retain sole responsibility for selecting the regulatory approach and among regulatory options.
- ▶ NRC will give EPA preliminary copies of the Draft and Final EIS, and associated documents, for review and comment prior to final lead agency approval and distribution of the documents.

The above lists seek to clarify the respective responsibilities and expectations of the two agencies. Adam Klinger will serve as the contact person and he and members of his staff will serve as resources on this effort. He can be reached at 202-343-9378. We have had initial conversations with Phyllis Sobel as the staff project lead and will coordinate accordingly.

We thank you for the opportunity to participate in this manner and believe that such interaction will improve communication and coordination of Federal radiation-related initiatives.

Sincerely,

Frank Marcinowski, Director
Radiation Protection Division
Office of Radiation and Indoor Air