

**APPENDIX C  
LETTERS FROM COOPERATING AGENCIES**

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**From:** Richard Ratliff <Richard.Ratliff@tdh.state.tx.us>  
**To:** "Phyllis Sobel" <PAS@nrc.gov>  
**Date:** 9/4/03 12:33PM  
**Subject:** RE: Scope of Work for Clearance Rulemaking

Phyllis, Mr. Michael Whalen with the State of Massachusetts, Radiation Control Program has agreed to represent the states on this work group. His E-mail address is: michael.whalen@state.ma.us ,and his telephone number is: 617-427-2944. I advised Michael of the September 10th conference call. Please let me know if you have any questions. Richard

**CC:** "michael.whalen@state.ma.us" <michael.whalen@state.ma.us>, "Pearce O'Kelley (E-mail)" <okelletp@dhec.sc.gov>, "Ron Fraass (E-mail)" <rfraass@CRCPD.ORG>



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.

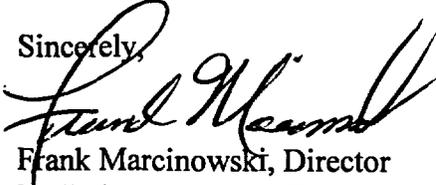
EPA understands NRC responsibilities as the lead agency to be as follows:

- ▶ 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



Department of Energy  
Washington, DC 20585

DEC 1 8 2003

Martin J. Virgilio, Director  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Virgilio:

This is in response to the August 6, 2003, letter from Mr. L. Kokajko of your office to Mr. A. Wallo inviting the U.S. Department of Energy (DOE) to participate as a cooperating agency in the U.S. Nuclear Regulatory Commission's (NRC) preparation of the Generic Environmental Impact Statement (GEIS) regarding the control and disposition of certain solid material. We understand that this GEIS is in support of the NRC's enhanced participatory rulemaking on alternatives for controlling the disposition of solid materials that originate in restricted or impacted areas of NRC-licensed facilities, and that have no, or very small amounts of, radioactivity resulting from licensed operations.

For the reasons cited in your letter concerning DOE's experience and efforts in the control and release of property containing residual radioactivity, we agree that it is both reasonable and beneficial for DOE to participate as a cooperating agency in this EIS process. Participating as a cooperating agency will help DOE stay apprised of the relevant issues and provide a mechanism for DOE to contribute its expertise to the review process, while ensuring effective communication between our agencies. Cooperating agency status will also assist DOE in its own EIS process involving DOE scrap metal, which, as your letter correctly notes, is a separate, ongoing effort. As a cooperating agency, DOE will, as appropriate and subject to the availability of personnel resources, participate in the GEIS process by providing requested information and data as available, and reviewing the GEIS and supporting materials.

The Office of Air, Water and Radiation Protection Policy and Guidance will serve as DOE's principal point of coordination for DOE participation in the GEIS. Accordingly, please contact Stephen Domotor (202-586-0871) of that office to initiate coordination and information exchange on the GEIS for the control and disposition of solid material. Please feel free to contact either Mr. Domotor or Mr. Wallo if you or your staff need assistance.

Sincerely,

A handwritten signature in cursive script that reads "Andy Lawrence".

Andy Lawrence  
Deputy Assistant Secretary  
for Environment