

PDR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 28 1994

THE ADMINISTRATOR

Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Selin:

This letter is in response to your letter of January 10, 1994, suggesting that NRC and EPA engage in a participatory process to examine the NRC regulatory program for licensees other than nuclear power reactors which are subject to regulation by EPA under the Clean Air Act. The purpose of this process would be to gather information on the most effective way to make changes in the NRC program to provide a defensible basis for EPA to proceed with rescission of 40 CFR 61, Subpart I, for NRC and agreement state licensees not engaged in nuclear power production.

As you know, EPA has made a firm determination that it cannot make the threshold finding required by CAA Section 112(d)(9) ("the Simpson Amendment") for licensees other than nuclear power reactors until specific problems with the NRC regulatory program have been resolved. Therefore, any process must be focused on gathering information and ideas concerning the best approach to correcting these problems, so that EPA may proceed with rescission.

There certainly is more than one possible approach to resolving each of the EPA concerns regarding the present NRC program, and it may prove useful to solicit the views of affected licensees, states, and public interest organizations concerning this matter. A properly focused participatory process could be a constructive way to forge a consensus on the best approaches to strengthening the NRC program so that rescission of the EPA standard may proceed.

However, you should be aware that this process could delay the path to rescission by a year or more. If NRC would begin work on the necessary changes to its program prior to initiating a public process, the process would be more likely to yield a prompt and mutually satisfactory resolution. Your letter to me included a copy of a letter from Robert M. Bernero, Director of NRC's Office of Nuclear Material and Safeguards to Margo T. Oge, Director of EPA's Office of Radiation and Indoor Air, on the

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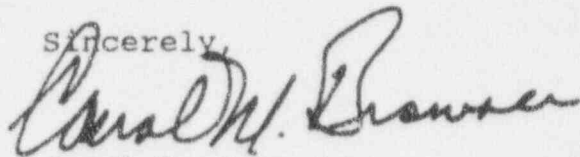
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participatory process. Her response to Mr. Bernero will include a more detailed discussion of these concerns.

I want to assure you that EPA continues to desire the ultimate elimination of regulatory duplication between our respective programs. Despite my concerns, I believe that a properly focused public process can serve a useful purpose for both EPA and NRC. Our Office of Radiation and Indoor Air as well as the Office of General Counsel have already begun discussions with your staff on the matter. I look forward to our cooperation in this effort.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol M. Browner".

Carol M. Browner