

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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. James R. Roewer
Utility Solid Waste Activities Group
c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696

Dear Mr. Roewer:

This is a response to a letter dated December 3, 1996 you sent on behalf of the Utility Solid Waste Activities Group (US WAG) to each Regional office of the Environmental Protection Agency (EPA). Your letter requests a statement of EPA Regional policy with regard to coordination between RCRA corrective action at commercial nuclear plants and the decommissioning requirements of the U.S. Nuclear Regulatory Commission (NRC) or NRC Agreement States.

We believe, and the Regional offices agree, that there is no need for a formal EPA policy on how to coordinate RCRA corrective action at a nuclear power plant with decommissioning under a NRC license. There is, at present, sufficient policy flexibility to ensure coordination, both in substance and timing. Decisions on when and how to proceed with RCRA corrective action are based on site-specific evaluations of the conditions at each site and of the facility-specific license stipulations that exist for each plant. As is the case with much of the corrective action program, site-specific assessments by Regional and state authorities are vital to the goal of ensuring holistic, efficient program implementation. The factors unique to commercial nuclear power plants, including the siting process, on-site activities, and NRC controls and requirements are taken into account before the commencement of corrective action.

EPA strongly supports the coordination of different regulatory requirements at specific facilities and agrees that regulatory duplication or overlap should be minimized. At the same time, EPA and authorized states are obligated under RCRA to ensure that threats involving solid waste are promptly addressed. As a result, it is important for the RCRA corrective action program to have an understanding of potential solid waste-related environmental problems at commercial nuclear power plants subject to RCRA regulation. It is possible that the siting process could, provide the necessary information, but that would be a site-specific judgment made by state or Regional authorities. In any case, EPA has made assessments of all Treatment, Storage, and Disposal Facilities (e.g. through a RCRA Facility Assessment) a priority. Deferral of

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the commencement of corrective action until decommissioning would clearly be inappropriate if a long term and/or serious environmental problem is identified in an assessment. On the other hand, in the case of lower-priority facilities or facilities where any releases are confined and stabilized with source control, there is already significant opportunity and flexibility to defer final corrective action efforts to the schedule for decommissioning.

In its comments on EPA'S Subpart S Advance Notice of Proposed Rulemaking (ANPR), USWAG asked that EPA defer commencing corrective action at any commercial nuclear power plant until the Mixed Waste Committee of the Inter-Agency Steering Committee On Radiation Standards (ISCORS) has time to completely review the issue of coordinating with the NRC decommissioning requirements. EPA is willing to consult with NRC on the subject, and it may be a proper subject for discussion by the ISCORS. However, we do not believe it is appropriate to defer all corrective action pending discussion of this issue by EPA and NRC.

EPA remains committed to meaningful coordination between overlapping regulatory requirements and seeks to avoid any counterproductive duplication of effort. Site-specific coordination between EPA and NRC should allow the corrective action program to achieve its goals while minimizing regulatory overlap.

Sincerely,

Elizabeth Cotsworth, Acting Director
Office of Solid Waste