

July 29, 1983

NRC License No. 21-00265-06

Ms. Andrea K. Wilson, Director  
Environmental Congress of Mid-Michigan  
P.O. Box 1494  
Midland, MI 48640

Dear Ms. Wilson:

This is in response to your letter of January 5, 1983 (misdated January 5, 1982) to Dr. Bruce Mallett. Dr. Mallett referred the letter to me for response, since you requested a legal opinion on the authority of the State of Michigan to have issued a permit authorizing the incineration of radioactive wastes by Dow Chemical Company in Midland, Michigan.

We believe that this request is more appropriately addressed to the State of Michigan. We would note, however, that Michigan is not an "agreement state" under Section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)) and its permitting action is not, therefore, undertaken pursuant to any authority in the Atomic Energy Act.

An alternative source of possible authority on the part of the State to have issued the permit is the Clean Air Act. Since this Act is administered by the U. S. Environmental Protection Agency, you might also wish to request a legal opinion from EPA. We have provided EPA with a copy of your letter and this response.

I trust that this letter is responsive to your request of January 5, 1983. Please excuse the delay in this response. Your letter of January 5 was identified as the one remaining item requiring response following Mr. Keppler's letter to you of June 10, 1983. I hope that the delay in our response has not inconvenienced your organization. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

8506050299 841207  
PDR FOIA  
KOHNB4-850 PDR

Stephen H. Lewis  
Regional Counsel

Enclosure: Ltr Andrea K. Wilson to  
NRC dtd 1/5/83

cc w/enclosure:  
Kathy Wurzel, Michigan DNR  
Sandy Williams, U.S. EPA  
Jane Mapes, ELD  
Don Nussbaumer, SP

RIII  
Mallett

7/27/83

RIII  
Miller

7/27/83

RIII  
Hind

7/27/83

Steve  
RIII  
Lewis/jg

7/27/83

RIII  
Davis

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RIII  
Keppler

7/30/83

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