

BOB SMITH, NEW HAMPSHIRE, CHAIRMAN

JOHN W. WARNER, VIRGINIA  
JAMES M. INHOFE, OKLAHOMA  
CRAIG THOMAS, MONTANA  
CHRISTOPHER S. BOND, MISSOURI  
GEORGE J. VONNOVIC, OHIO  
MICHAEL D. CRAND, CALIF.  
ROBERT F. BENNETT, UTAH  
KAY BAILEY HUTCHISON, TEXAS  
LINCOLN CHAFFEE, RHODE ISLAND

MAK BAILEY, MISSISSIPPI  
DANIEL PATRICK MOYNIHAN, NEW YORK  
FRANK R. LAUTENBERG, NEW JERSEY  
MARK R. MARKS, FLORIDA  
TODD TANKAMANN, ALABAMA  
JOSEPH I. LIEBERMAN, CONNECTICUT  
BARBARA ROYER, CALIFORNIA  
RON ANDERSON, IOWA

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

DALE CONYER, STAFF DIRECTOR  
TOM SLITER, MINORITY STAFF DIRECTOR

February 7, 2000

Honorable Richard A. Meserve  
Chairman  
United States Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Honorable Carol Browner  
Administrator  
United States Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

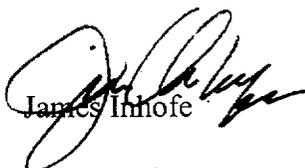
Dear Chairman Merserve and Administrator Browner:

I understand that the NRC and EPA have established a subcommittee of the Interagency Steering Committee on Radiation Standards focusing on radioactive materials in waste water treatment plant byproducts. It is also my understanding that the subcommittee includes, among others, representatives of regulated local waste water treatment authorities, but that there is no representation by industrial sewer users, even though those users may be substantially impacted by the results of the subcommittee's efforts.

The inclusion of local waste water treatment plant representatives, without the inclusion of industry representatives, raises questions as to the fundamental fairness of the process and will not provide the subcommittee with a balanced set of views from directly interested and affected parties. I am also concerned that the subcommittee's current makeup requires that it comply with the "balance", notice and open meeting provisions of the Federal Advisory Committee Act (FACA), but that the subcommittee, in fact, is not honoring those provisions.

Please advise me as to the agencies' bases for including representatives of the receiving waste water treatment plants on the subcommittee, but excluding the discharger community. Please also advise me as to whether it is the agencies' position that the committee's efforts are not subject to FACA, and the bases for that position. Your prompt attention and response would be most appreciated.

Sincerely,

  
James Inhofe

  
Bob Smith