

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

LOGGING DATE: 04/09/2001

To: Virgilio, NMSS

AUTHOR: SHELLY BERKLEY
AFFILIATION: REP
ADDRESSEE: GEORGE BUSH
SUBJECT: YUCCA MOUNTAIN

cys: EDO
DEDMRS
DEDR
DEDM
CIO
AO
RIV

ACTION: Information
DISTRIBUTION: RF

LETTER DATE: 03/05/2001

ACKNOWLEDGED No

SPECIAL HANDLING: WHITE HOUSE REFERRAL

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

SHELLEY BERKLEY
1ST DISTRICT, NEVADA

439 CANNON BUILDING
WASHINGTON, DC 20515
202-225-5965

2340 PASEO DEL PRADO
SUITE D106
LAS VEGAS, NEVADA 89102
702-220-9823

Congress of the United States
House of Representatives
Washington, DC 20515-2801

457902
COMMITTEES
TRANSPORTATION
AND INFRASTRUCTURE
VETERANS' AFFAIRS
INTERNATIONAL RELATIONS
CAUCUS TASK FORCES:
EDUCATION
HEALTHCARE

March 5, 2001

President George W. Bush
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President,

I am writing to express my concern about the decision making authority with regard to regulations affecting the Yucca Mountain project. It has come to my attention that recently the Department of Energy (DOE), and the Nuclear Regulatory Agency (NRC) have had meetings with the Environmental Protection Agency (EPA) asking for a redraft of the EPA's groundwater and radiation regulations for Yucca Mountain that were submitted to the Office of Management and Budget (OMB).

It is my understanding that the DOE and NRC have specifically asked that a new rule be drafted that does not include specific groundwater regulations, changes the limit of radiation an individual can be exposed to from no greater than 15 millirems per year for the first 10,000 years of waste disposal to a standard of 25 millirems, and finally, that the NRC be placed in charge of implementing these standards.

Let me state unequivocally that this is unacceptable to me and to the people I represent. I find utterly unconscionable any position that would expedite a dangerous project, such as the proposed repository, by lowering standards designed to protect the health and safety of any human population. That such deflated standards could be applied to a project so near to the nation's fastest growing metropolitan area, for a period of 10,000 years, is extraordinary in its gross disregard for our lives, and for the futures of our children.

On September 28, 2000, you vowed to the State of Nevada that "the best science must prevail in the designation of any high-level waste repository." And again in October last year, Vice-President Cheney swore he would, "support the EPA setting tough standards for health and the environment before anybody does anything." If you are to follow through on your campaign promises, then the EPA must set the standards. It is clear to me, and to the people of my state, that the EPA is far better suited to protect the health and safety of our public, than the NRC, which has historically urged woefully insufficient standards as a way to expedite the Yucca Mountain project. I am sure you will agree that radiation standards, in any case, should be based on the most stringent requirements of health and safety, rather than the lowest-common denominator of the NRC and the nuclear industry.

As you will remember from our brief discussion at the House Democratic retreat, I vehemently oppose plans to store nuclear waste at Yucca Mountain. The process has been irrevocably corrupted by politics, and the scientific evidence is clear in its condemnation of the Yucca Mountain site as a repository. I am also deeply disappointed that the EPA has set

standards for Yucca Mountain that are less exacting than similar sites around the country, and urge you to reconsider the EPA's recommended standards to account for this inexplicable inequity. However, first and foremost, it is essential that we allow the EPA to set these rules, and not the NRC, which has lost the trust and faith of the people of Nevada in its irrational determination to approve the Yucca Mountain project.

I respectfully request that you deny the DOE and NRC lobbying efforts, and continue to advocate the EPA's authority in setting these types of public health regulations.

I appreciate your attention to this important issue and look forward to your reply.

Sincerely,

A handwritten signature in cursive script, reading "Shelley Berkley". The signature is fluid and stylized, with a large initial "S" and a long, sweeping underline.

SHELLEY BERKLEY
Member of Congress

cc: Administrator Christie Todd Whitman
Environmental Protection Agency

THE WHITE HOUSE OFFICE
REFERRAL

March 30, 2001

TO: NUCLEAR REGULATORY COMMISSION

ACTION REQUESTED: INFO COPY ONLY/NO ACTION NECESSARY

DESCRIPTION OF INCOMING:

ID: 457902

MEDIA: LETTER, DATED MAR 06, 2001

TO: PRESIDENT BUSH

FROM: THE HONORABLE SHELLEY BERKLEY
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

SUBJECT: EXPRESSES CONCERN ABOUT THE DECISION MAKING AUTHORITY WITH REGARD
TO REGULATIONS AFFECTING THE YUCCA MOUNTAIN PROJECT

**PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS
OF RECEIPT, PLEASE TELEPHONE THE UNDERSIGNED AT 456-2590.**

**RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO:
RECORDS MANAGEMENT, ROOM 72, THE WHITE HOUSE, 20500**

OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 457902
PAGE 1

DATE RECEIVED: 03/20/2001

NAME OF CORRESPONDENT: THE HONORABLE SHELLEY BERKLEY

SUBJECT: EXPRESSES CONCERN ABOUT THE DECISION MAKING AUTHORITY WITH REGARD TO
REGULATIONS AFFECTING THE YUCCA MOUNTAIN PROJECT

		ACTION		DISPOSITION		
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS	NICK CALIO	ORG	2001/03/20	NL	A	01/03/23

ACTION COMMENTS

CEQ A 01/03/23

ACTION COMMENTS:

DOE I

ACTION COMMENTS:

EPA I

ACTION COMMENTS:

OMB I

COMMENTS

ADDITIONAL CORRESPONDENTS 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

✓ Nuclear Regulatory
Agency

I 01/3/30

C

ACTION CODES:

A - APPROPRIATE ACTION
C - COMMENT/RECOMMENDATION
D - DRAFT RESPONSE
F - FURNISH FACT SHEET
I - INFO COPY/NO ACT NECESSARY
R - DIRECT REPLY W/ COPY
S - FOR SIGNATURE

DISPOSITION CODES:

A - ANSWERED
B - NON-SEPC-REFERRAL
C - COMPLETED
S - SUSPENDED

OUTGOING CORRESPONDENCE:

TYPE RESP = INITIALS OF SIGNER
CODE = A
COMPLETED = DATE OF OUTGOING

REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO
RECORDS MANAGEMENT.

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457902

March 23, 2001

Dear Representative Berkley:

Thank you for your recent letter regarding regulations affecting the Yucca Mountain project.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

Nicholas E. Calio
Assistant to the President and
Director of Legislative Affairs

The Honorable Shelley Berkley
U.S. House of Representatives
Washington, DC 20515

Bcc w/ copy of inc.: CEQ- for appropriate action
DOE; Nuclear Regulatory Agency; EPA; OMB- for information

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