

United States Senate

WASHINGTON, DC 20510-3101

March 30, 2001

COMMITTEES:
BUDGET
APPROPRIATIONS
ENERGY AND NATURAL
RESOURCES
INDIAN AFFAIRS
GOVERNMENTAL AFFAIRS

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Whitman:

I am writing to express my concerns regarding our nation's radiation regulations. Under your leadership the Bush Administration should resolve the issues surrounding these regulations, which the previous Administration chose to ignore.

Last year, at my request, the General Accounting Office issued a report entitled: Radiation Standards - Scientific Basis Inconclusive, and EPA and NRC Disagreement Continues, #RCED-00-152. I urge you to review that report and its many findings.

Of greatest concern to me is the report's conclusion that the EPA and the NRC "continue to disagree significantly on regulatory approaches and standards related to groundwater protection." Even though these disagreements were acknowledged in a 1994 GAO report, the new report stated that the two agencies appear to be no closer to agreeing on exposure limits than they were six years ago. This is far too serious an issue to have been so neglected.

As Chairman of the Senate Budget Committee and as Chairman of the Subcommittee on Energy and Water Development of the Senate Appropriations Committee, I am very concerned about the GAO's finding that the long-term costs of complying with current and prospective U.S. radiation standards "will be immense, likely in the hundreds of billions of dollars." In light of these potential costs, the GAO's finding that the standards administered by the EPA "do not have a conclusive scientific basis" is disturbing. The standards recommended by the EPA lead to much higher costs than those proposed by the NRC. Our government has an obligation to protect public health and safety but we also have an obligation to our citizens to wisely use government revenues. Eventually these higher costs are paid by our citizens and electricity ratepayers.

The National Academy of Sciences has been quite critical of EPA positions in this area. For example, when the NAS provided comments on the EPA's proposed radiation protection standards for Yucca Mountain, they stated that the EPA's rationales for its rule are "flawed" and that they miss a "key point of public policy and public communication." The NAS added that the application of the ground-water standard at Yucca Mountain "lacks overall consistency and coherence" and concluded that the separate ground-water standard "lacks a sound scientific

basis." These comments clearly call into question the approach that the BPA has taken regarding radiation regulations.

I suggest that your Agency needs to place far higher emphasis on development of scientifically sound radiation standards through the long-awaited cooperation with the NRC, an Agency with strong technical expertise in this complex field. Our government should not utilize two conflicting standards in this, or any other, critical area. Nor should any governmental agency persist in promulgating standards that the National Academy has so resoundingly called into question from a scientific perspective. While Congress could act to clarify the regulatory responsibilities of the BPA and the NRC, I am hopeful that the first and best solution would involve harmonization of standards within the government.

I would appreciate a response discussing your plans to resolve these issues in the near future.

Sincerely,



Pete V. Domenici
United States Senator