



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 14, 1990

The Honorable Bob Graham, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D. C. 20510

Re: Public Citizen, et al. v. U.S. Nuclear Regulatory
Commission, No. 90-1432 (D.C. Cir. 1990)

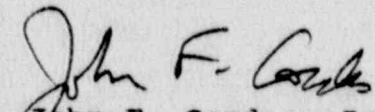
Dear Mr. Chairman:

On August 21, 1990 Public Citizen, Inc., together with more than 25 other citizen groups from around the country and the State of Maine, filed suit in the United States Court of Appeals for the District of Columbia Circuit to set aside the Nuclear Regulatory Commission's newly announced policy statement which provided a framework for case-by-case decisions on whether disposal of specified nuclear wastes should be exempt from regulation as "below regulatory concern." See Fed. Reg. 27,522 (July 3, 1990).

In public statements, petitioners said that their lawsuit will attack the Commission's "Below Regulatory Concern" policy on three grounds: (1) that NRC violated the federal Administrative Procedure Act by failing to publish the proposed policy statement in draft form subject to public comment before issuing a final policy; (2) that the Commission's "Below Regulatory Concern" policy violates both the 1954 Atomic Energy Act and the 1985 Low-Level Radioactive Waste Policy Amendments Act by seeking to reduce the economic cost of radioactive waste disposal at the expense of public health and safety; and (3) that the Commission acted in an arbitrary and capricious manner by approving a regulatory policy which incorporates a health risk standard that is more liberal than is generally accepted.

We will keep you informed of any significant developments in this case.

Sincerely,


John F. Cordes, Jr.
Solicitor

cc: The Honorable Alan K. Simpson

FULL TEXT ASCII SCAN

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 14, 1990

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D. C. 20515

Re: Public Citizen, et al. v. U.S. Nuclear Regulatory
Commission, No. 90-1432 (D.C. Cir. 1990)

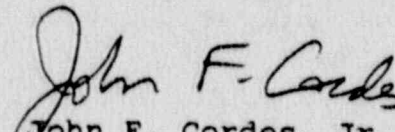
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Sincerely,


John F. Cordes, Jr.
Solicitor

cc: The Honorable James V. Hansen



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 14, 1990

The Honorable Philip R. Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D. C. 20515

Re: Public Citizen, et al. v. U.S. Nuclear Regulatory
Commission, No. 90-1432 (D.C. Cir. 1990)

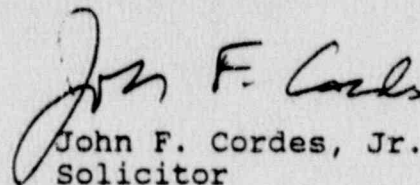
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John F. Cordes, Jr.
Solicitor

cc: The Honorable Carlos J. Moorhead



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 14, 1990

The Honorable Tom Bevill, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D. C. 20515

Re: Public Citizen, et al. v. U.S. Nuclear Regulatory
Commission, No. 90-1432 (D.C. Cir. 1990)

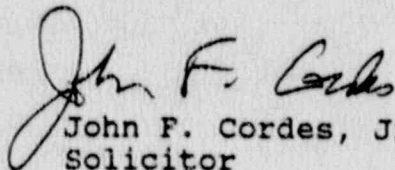
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John F. Cordes, Jr.
Solicitor

cc: The Honorable John T. Myers



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 14, 1990

The Honorable J. Bennett Johnston, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D. C. 20510

Re: Public Citizen, et al. v. U.S. Nuclear Regulatory
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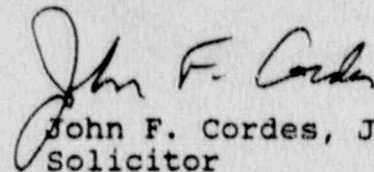
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Sincerely,


John F. Cordes, Jr.
Solicitor

cc: The Honorable Mark O. Hatfield

CONGRESSIONAL CORRESPONDENCE SYSTEM
DOCUMENT PREPARATION CHECKLIST

This checklist is to be submitted with each document (or group of Qs/As) sent for entering into the CCS.

1. BRIEF DESCRIPTION OF DOCUMENT(S) ltrs to Graham, Udell,
Sharp, Beall, Johnston.
2. TYPE OF DOCUMENT Correspondence Hearings (Qs/As)
3. DOCUMENT CONTROL Sensitive (NRC Only) Non-Sensitive
4. CONGRESSIONAL COMMITTEE and SUBCOMMITTEES (if applicable)

_____ Congressional Committee
_____ Subcommittee

5. SUBJECT CODES

- (a) _____
(b) _____
(c) _____

6. SOURCE OF DOCUMENTS

- (a) _____ 5520 (document name _____)
- (b) Scan (c) Attachments
- (d) _____ Rekey (e) _____ Other _____

7. SYSTEM LOG DATES

- (a) 10/10/90 Date OCA sent document to CCS
- (b) _____ Date CCS receives document
- (c) _____ Date returned to OCA for additional information
- (d) _____ Date resubmitted by OCA to CCS
- (e) _____ Date entered into CCS by _____
- (f) _____ Date OCA notified that document is in CCS

8. COMMENTS

