



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 31, 2000

*Susan Forrer*

CHAIRMAN

The Honorable Bob Smith, Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I am responding to the letter of February 7, 2000, that you and Senator Inhofe sent to me and Administrator Carol Browner of the Environmental Protection Agency (EPA) concerning representation on the Sewage Sludge Subcommittee of the Interagency Steering Committee on Radiation Standards (ISCORS). It is my understanding that Administrator Browner plans to respond to your letter separately.

The ISCORS Subcommittee, an interagency body jointly chaired by EPA and the Nuclear Regulatory Commission (NRC), was established to work together to collect information concerning radioactive materials in sewage sludge and ash from sewage treatment plants. The Subcommittee also addresses mitigative measures which might be taken to address radiation exposure to workers, the public, and the environment at waste water treatment plants. In addition to the NRC and EPA, the Federal government is also represented by the Department of Energy and the Department of Defense. Representatives of wastewater treatment plants that are part of local government units as well as a representative of the States also attend Subcommittee meetings. None of the members are private sector employees or representatives of industrial sewage users.

Section 204(b) of the Unfunded Mandates Reform Act provides that the requirements of the Federal Advisory Committee Act (FACA) do not apply to meetings held exclusively between Federal, State, local, and tribal representatives for the purpose of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law, if those representatives explicitly or inherently share intergovernmental responsibilities or administration. ISCORS' Sewage Sludge Subcommittee meetings fall within the purview of this FACA exclusion as the matters addressed at the meetings pertain to protection of the public health and safety from radiological hazards, a responsibility shared by the NRC and the States under the Atomic Energy Act.

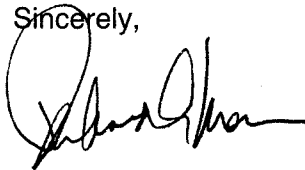
Although the industry is not formally represented on this governmental Subcommittee, industrial sewer users and the discharge community have the opportunity to provide input into the Subcommittee's deliberations. For example, the subcommittee is preparing a Guidance Document to provide information to wastewater treatment plant operators and the public on radioactivity in treatment plant byproducts, specifically sludge and ash generated through the

incineration of the sludge. The Subcommittee issued a first draft of the proposed guidance for public comment in May 1997, and is revising the document to incorporate comments received from interested persons and organizations, including industrial sewer users. The Subcommittee will soon issue a second draft for further public comment.

Additionally, summaries of the Subcommittee's meetings are available to the public in NRC's Public Document Room. The Subcommittee also held an open public meeting in December of 1999. It may hold additional open meetings in the future, and is considering other means to provide for further public input into its activities. Thus, even though the industrial sewer users and the discharger community are not included in the membership of the Subcommittee, they have had and will continue to have the opportunity to convey their views to the Subcommittee.

Please contact me if you have further questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Meserve", written over a large, stylized circular flourish.

Richard A. Meserve

cc: Senator Max Baucus



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CHAIRMAN

The Honorable James M. Inhofe, Chairman  
Subcommittee on Clean Air, Wetlands,  
Private Property and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

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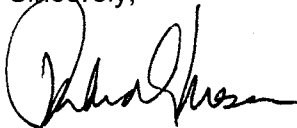
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Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Meserve". The signature is written in a cursive style with a large initial "R".

Richard A. Meserve

cc: Senator Bob Graham

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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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

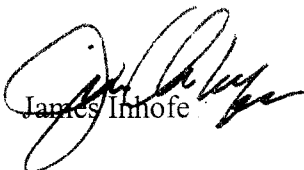
Dear Chairman Merserve and Administrator Browner:

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