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U.S. PUBLIC INTEREST RESEARCH GROUP • WOMEN'S ACTION FOR NEW DIRECTIONS**

March 8, 2005

Elizabeth Cotsworth, Director  
Office Radiation and Indoor Air  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Ms. Cotsworth:

As you are aware, the Environmental Protection Agency (EPA) must revise its compliance period standard for the proposed repository at Yucca Mountain in Nevada in accordance with the July 2004 ruling by the United States Court of Appeals for the D.C. Circuit (D.C. Circuit). As EPA has already commenced its review of the rule, we write to request that EPA issue an Advance Notice of Proposed Rulemaking for its Yucca Mountain standard.

**Process Concerns**

The EPA should make the revision of its Yucca Mountain compliance standard as transparent and responsive to public comment as possible. We are aware that the EPA has been meeting with the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC) in the months since the court's decision was issued; yet, no notes from these meetings are publicly available. Issuing an Advance Notice of Proposed Rulemaking at this time would help to build credibility, public confidence and appropriate transparency into the administrative process.

**Substantive Concerns**

In order to protect the health and safety of future generations, we urge the EPA to choose a compliance standard that at least covers the time of predicted peak dose from the repository. Setting such a standard, and reaffirming that there is no expiration date on public health and safety, complies with the 1995 directions of the National Academy of Sciences and would be the most responsible action the EPA could take in terms of its broad mandate to protect public health and the environment.

As the Yucca Mountain radiation protection standards are revised, we also urge the EPA to reexamine its standard concerning the proposed groundwater boundary at Yucca Mountain. The current boundary is arbitrary in nature, and establishes a gerrymandered "controlled area," which allows DOE to rely on the dilution of radioactive material as

opposed to its isolation. Such a policy compromises the intention of a deep geologic repository and will contaminate an area in which people may live and farm in the future.

Moreover, we ask the EPA to reexamine its definition of the maximally exposed individual to more realistically protect vulnerable persons. These persons would include subsistence farming families using contaminated groundwater for irrigation of crops and animals; pregnant women and their fetuses; children, the elderly, and others with weakened immune systems; and persons living traditional Native American lifestyles in the region.

We are alarmed that the EPA is separately considering issuing overall radiation guidance from all sources (not just for the proposed Yucca Mountain repository) that would allow exposure to doses an order of magnitude higher than it has long considered protective of the public. The proposed guidance would reverse EPA's entire history and position on public protection from radiation.

We look forward to working constructively with you and seeing your progress in revising the Yucca Mountain radiation protection standard to comply with the D.C. Circuit's decision. The development of a standard truly protective of public health and safety of future generations is an issue of utmost importance. Please do not hesitate to contact Michele Boyd at Public Citizen (202-454-5134 or [mboyd@citizen.org](mailto:mboyd@citizen.org)) or Geoff Fettus at the Natural Resources Defense Council (202-289-2371 or [gfettus@nrdc.org](mailto:gfettus@nrdc.org)) if we can assist you in any manner.

Sincerely,

Susan Gordon  
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