



Without such involvement and documentation, one might construe that the outcome or purpose of this draft RIS is to document that the status quo will be maintained and the NRC will keep out of the process whenever it can find an excuse to avoid its jurisdictional role under the Energy Policy Act.

Another point of view might assert that the NRC has apparently made determinations about when they will or will not defer to the CERCLA process and that these determinations have not been clearly stated or perhaps even clearly written down anywhere. This might give the impression that the NRC has really developed hidden regulations.

At any rate it seems that NRC should have jurisdiction over sites where restricted releases of radioactive materials are being planned and where EPA's less stringent approach under the CERCLA process treats these sites like municipal landfills.

The NRC and EPA should probably declare a moratorium or stand-down on any record of decision or release of sites containing radioactive materials that have been buried or capped in place where previously buried. This moratorium would also apply to waste consolidation units and would remain in place until the jurisdiction issues are clarified.

The States do need full NRC involvement in these sites. The CERCLA process is not working at least with respect to restricted releases of sites with buried radium. CERCLA regulators and processes are largely not geared to deal with contaminants that remain for thousands of years.

Thank you for consideration of these comments.