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Office of The Attorney General
State of Connecticut

March 5, 2007

Dale E. Klein
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Klein:

I urge you to act immediately to enforce the terms of the Memorandum of Understanding (MOU) entered into between the Nuclear Regulatory Commission (NRC) and the United States Army Corps of Engineers (ACOE) regarding the oversight of the Formerly Used Sites Remedial Action Program (FUSRAP), as it applies to the Combustion Engineering (CE) site in Windsor, Connecticut. ACOE's failure to act in a responsible and legally required manner is causing real harm to the Town of Windsor's attempts to return this property to economically productive reuse.

As you are aware, there are 21 sites across the country contaminated with radioactive waste remaining from military programs during the Cold War that are currently being remediated by the ACOE under FUSRAP. Of these, 4 are mixed civilian - military sites and thus involve both the ACOE and one or more civilian licensees. The CE Windsor site is one of these mixed sites.

Investigation to date indicates that this 600 plus acre site is heavily contaminated with radioactive uranium and cobalt. In recent years Combustion Engineering (CE), the current civilian licensee, has remediated its portion of the site so that the Connecticut Department of Environment Protection (DEP) has determined that it poses no risk to the public and can be returned to productive reuse. DEP and this Office have been heavily involved in this effort, ensuring that relevant Connecticut environmental laws are fully enforced. I am informed that CE has spent in excess of \$40 million to date at this site. The Town of Windsor has expended municipal resources and state agencies have had numerous staff and management personnel actively involved with this project. The result has been an effective cleanup of at least 85% of the civilian portion of the site.

Over the same period of time no more than 15% of the FUSRAP material has been remediated. Even more troubling, the draft feasibility study released by the ACOE setting out the next steps for the cleanup program has been reviewed by DEP officials and found to be

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seriously deficient. According to these officials, this draft study does not meet applicable NRC standards in at least three ways: 1) only a portion of a contaminated brook is to be remediated; 2) radioactive material is being left in a series of drain pipes from the fuel fabrication building and 3) Building 3 is being released for reuse without a final status survey. A recent letter from the ACOE indicates that none of these concerns is going to be addressed in the final FS.

This situation is not acceptable. Individually, any of these deficiencies should be enough to require a full review of the feasibility study. Together, they indicate a systematic failure to meet the NRC cleanup requirements.

The CE Windsor site is important to the residents of Windsor and the people of the State of Connecticut. The cleanup, as proposed, violates state and federal law. It will lead to intolerable delay in Windsor's efforts to see that the site is returned to economically productive reuse. NRC is obligated by the Atomic Energy Act and the MOU to ensure that the public is protected from the threats posed by unremediated radioactive waste. I urge the NRC to promptly require the ACOE to review and correct its draft feasibility study.

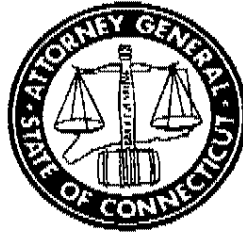
I look forward to your response.

Very truly yours,



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RB/RDS



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