

Michael Reimer, Ph.D.

June 5, 2018

Mr. Marc Dapas, Director  
Office of Nuclear Material Safety and Safeguards  
Mailstop TB F5  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Director Dapas:

I received your final decision (DD-18-02) on my 10 CFR 2.206 petition regarding sample collection at Pohakuloa Training Area (PTA) in Hawaii as part of license SUC-1593.

While the decision to deny all parts of the petition is not surprising, as it is seemingly Nuclear Regulatory Commission (NRC) protocol to rule in the light most favorable to the licensee, it is inappropriate that the NRC has chosen to support justification for the decision using corrupted science reasoning. Further, it is imprudent that the NRC simply did not state that requisite in the beginning. While the petition process gives the appearance that the common man, the concerned citizen, or someone just wishing to provide accuracy had an opportunity to participate in discourse when in reality some rather obvious false presumptions and deceptive conclusions presented by the licensee were already supported by NRC.

To dismiss the legitimacy of the facts sets a very dangerous precedent in that this decision can be used to justify future arguments by ignoring and dismissing rigorous science specifics in favor of administrative complicity. Allowing misinformation to stand only discourages input but if that is your position directive, you have met it admirably.

You are probably too young to recall the concern expressed by President Eisenhower in his 1961 farewell speech to the nation regarding the threat of a military-industrial complex. But it remains as cogent today as it was then.

*"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists, and will persist."*

The NRC, when established as an independent agency in 1974, surely recognized its rôle in this concern. Its own mission statement succinctly addresses this apprehension.

*The U.S. Nuclear Regulatory Commission regulates the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection*

*of the public health and safety, to promote the common defense and security, and to protect the environment.*

Your decision is a prime example of that prescient concern by President Eisenhower of misplaced power over righteousness. You have singularly devalued your agency's own mission statement. You have allowed the power and resources of the agency to be used to quash the truth. Rather than welcoming genuine input from an informed citizenry, you mock that group by willingly accepting misinformation.

The petition sought only recognition that the environmental radiation monitoring plan was bogus, that it could never adequately address the concept of monitoring to see if depleted uranium was migrating away from the radiation controlled areas at PTA. It earnestly presented a means of correction to ensure adequate monitoring was emplaced.

I had put a lot of time and effort in to making a sincere attempt to improve the program. It is absolutely incredulous that under your direction for this petition the NRC then stands to ignore irrefutable facts. You don't have to be a rock scientist to know that a modern lava flow between the Radiation Controlled Areas (RCAs) and the sampling site is an effective levee to prevent any material flowing from the RCAs to be deposited at the sample site. You could save the licensee a lot of time and expense by not requiring a monitoring program at all for what you have endorsed is worthless for its stated purpose. That appears to be the ultimate objective so why not simply implement it now?

When air monitoring was vogue and in order to justify that sampling methodology, the licensee spuriously stated that there was no sediment at PTA and NRC not only agreed but added that there was no soil, either. When air monitoring lost favor because it might actually reveal transport, sediment sampling was mystically reinstated and the originally proclaimed lack of source material was never explained. As previously mentioned, the petitioner pointed out that there was a lava flow that would effectively block transport of material from the RCAs to the singular, miles-away sampling site and that numerous feeder gullies for material to the sampling site would so severely dilute elements of interest from any sample as to place it well below the detection level of any analytical method selected. To the credit of some on the Petition Review Board, they recognized the shortcomings of the licensee arguments but in making your final decision to deny the petition, you chose to ignore that factual information.

All appearances are that the NRC complicitly agreed with the licensee to emplace a sham program. A resolution would have been so simple, yet the NRC did not apply intellect for a proper purpose but rather used administrative chicanery to support the licensee. In effect, it failed to honor a noble goal of its mission statement to protect the public and the environment. It simply chose to ignore the facts presented by the public

and in doing so extended a threat to our democratic government by rejecting, out of hand, civilian input. This significance of President Eisenhower's remarks was reinforced by Tom Bowman of National Public Radio in 2011, the fiftieth anniversary of the farewell address.

Everyone in our nation is, of course, entitled to their opinion but they are not entitled to use "alternative" facts to support it. Unfortunately, that has become expected in today's new world of politics, where shedding decency, ethics, and morality, in favor of false accolades has materialized as fashionable where it has become more important to surrender that mandate of trust for self-serving interests.

It is a sorrowful occasion devoid of honor when an authority granted the responsibility of public trust cannot uphold its mission to protect the public from potential risks. By embracing misinformation as fact, it manifests a disservice to all of humanity.

Under your purview, PTA has transformed from being an area contaminated with radioactive materials needing suitable monitoring, to an uncontained toxic waste repository, continually disturbed by human activity. In the broader perspective, it now must be considered that, because of the unknown risks veiled by your support of an inadequate action program for monitoring transported radioactive materials, people have become unwitting experimental subjects of unnecessary radiation exposure, particularly inhalation exposure, and it is imperative that this issue be mandated to oversight by you on that basis.

The pitiful level of caring from the NRC is quite evident as it is my understanding from the petition manager that the results of the disingenuous monitoring program are not even reviewed by the NRC and are not mandated by any onsite inspection. When I asked to see the results and quality control/assurance documents, I was told they are not available from NRC. The only reasonable conclusion to be reached is that by expressing this lack of concern, the grand deception of promoting this specious sampling program has been fully embraced by NRC.

Sincerely,

Michael Reimer, Ph.D.  
Retired Geologist