

MEMORANDUM

TO: West Valley Citizen Task Force
FROM: Melinda Holland, WV CTF Facilitator
SUBJECT: List of CTF Draft Questions for NRC
DATE: February 27, 2007

One of the action items from the CTF Agenda Work Group conference call on Feb. 15th was for Lee Lambert to develop an initial draft list of questions for NRC in response to NRC's recent reply to the CTF's letter on the plume. This developed from the recent emails CTF members have sent in response to NRC's letter to the CTF. On the Feb. 15th conference call, I agreed to email the CTF members asking them to propose additional questions for Chad Glenn, NRC, to research and address in his presentation to the CTF on April 25th.

Lee Lambert's initial list of questions is shown below [with 3 category headings that I added].

NRC Regulatory Authority Regarding the WVDP:

1. Regarding NRC's apparent "consultative role"... Aside from the West Valley Demonstration Project Act currently in force at the site, would NRC's role be different and if so, in what way(s)...? Does NRC merely monitor compliance at other sites, and issue recommendations with no pressure to clean up?
2. If NRC has "regulatory" authority but no authority after inspections to enforce its recommendations and/or other laws related to RW, is there another government entity with authority to supervise RA issues with power to enforce laws, rules. etc? If so, what/who?

N. Plateau Ground Water Plume:

1. Why is NRC apparently unconcerned about contamination reaching areas previously uncontaminated? It does not seem fair that NYS land is being contaminated because DOE is not stopping the plume and NRC issues recommendations time after time, but no enforcement orders.
2. Would the plume be of concern to NRC or any other agency if it were creeping across NYS land aside from the Project, or on private land? Wouldn't the land owners then be held responsible for cleanup; and in that case, who would hold them responsible?
3. Will NYS be liable for maintenance/monitoring/ultimate cleanup of the plume?
4. At what level is contamination a concern? Does it depend on a scientific measurement, or does the fact that land is not generally accessible to the public exempt it from a designation of contaminated land?
5. NRC's response letter mentioned the pre-decisional draft "evaluations of options" which were considered last March by federal and state agencies. Perhaps we need to review this draft. What are the options and why is DOE ignoring the obvious one... to go to the source of the plume? What other radioactive elements are involved and in what strengths and quantities?
6. How many Curies are involved in the material below the Process Building and at various stages of the plume's spread?

7. Since the plume has been increasing and advancing, at what point does NRC assume that the plume will begin to subside, and how great will the numbers become before that point? If the peak numbers were reached off site, what would NRC do? Who would be responsible for monitoring and/or regulating that scenario?

8. While the Core Team Process would appear to be a logical step in reaching consensus on procedure... in light of New York State's contention that the DOE often has ignored NYS input, what assurance does the public have that the plume will not be allowed to spread ad infinitum while the DOE and NRC claim there is no threat to public health and safety... YET?

Options for CTF Action:

1. Is our best recourse to go to our congressional reps and ask them to insist that someone have authority to oversee DOE's actions or lack of same. What can they do? What should we ask for and/or expect?

2. If political leaders are representatives of the people, and the people are frustrated by one agency after another declaring "not my job", what recourse do the people have to get a radioactive waste site cleaned up, so that future generations don't have to pay for this generation's lack of action?