

CTF to NRC draft b            September 25, 2006... Lee

The Citizen Task Force (CTF) for the West Valley site is very concerned about the continued spread of the radioactive plume of strontium 90 across the North Plateau of the site

As you know, the CTF was formed over nine years ago to advise federal and state site managers for the West Valley Demonstration Project (WVDP). Through the years we have studied the various waste management areas on the site, often questioning decisions and actions, sometimes becoming frustrated by what appeared to be indecision and inaction. Once more we are mystified by official inaction.

In order for the Department of Energy (DOE) to take control of operations at the site, implementing the WVDP Act, ~~your agency~~ NRC suspended the license for the site then held by New York State Energy and Research Authority (NYSERDA). The justification for that decision (putting the license in abeyance) was that DOE held the expertise for dealing with radioactive waste, and therefore could be depended on to handle it with the health and safety of the population as a top priority. ~~Obviously, that was a poor decision, given the dilemma that now faces us.~~

As we understand it, NRC ~~your agency~~ is responsible for the health and safety of the populace regarding radiological matters. Even though you normally exercise this duty in the context of licenses, we believe you have a broader, more general national duty to protect ~~the health and safety of citizens radiologically~~ [from radiological exposure](#).

[According to m](#)Monitoring reports from your office to DOE, ~~mention that~~ a radioactive plume of strontium 90 (Sr-90) in the groundwater was apparently discovered at the site as early as 1990. By 1995 the source was determined to be a spill in the old Process Building, ~~site of the failed experiment in commercial reprocessing of nuclear fuel rods (1966-1972), which was the impetus for the WVDP Act.~~ [The most recent NRC monitoring report verifies that the spill occurred in 1967.](#) Numerous monitoring visits to the site by [NRC officials](#) ~~members of your department~~ included reports on [documented](#) mitigation efforts by DOE to slow the progress of the plume, [including](#) DOE dug wells and initiated a "pump and treat" system, [and then built a Permeable Treatment Wall to capture the radioactive waste](#) ~~where contamination could be captured, the contaminant separated out and the resultant resin disposed of off site as low level waste.~~ Neither system has worked satisfactorily. Parts of the plume have gone around the wells and the wall, [by passing and have by-passed](#) treatment entirely.

Contaminated water is still daily spreading to previously uncontaminated media, [migrating and expanding](#) ~~The plume continues to migrate and expand~~ in the sand and gravel of the North Plateau. The underground portion is moving rapidly beyond the

WVDP project premises controlled by DOE into the uncontaminated buffer area of the West Valley Nuclear Services Center. Contaminated groundwater seeps into surface ditches and also discharges into the buffer area as well, as the plume migrates toward the Great Lakes watershed. In addition, when this plume ~~When this water~~ leaves the DOE-controlled portion of the site, Sr-90 concentrations exceed DOE's own derived concentration guidelines, (DCGs), as well as federal and state regulated limits. ~~stated in 10 CFR Part 20 and NYSDEC Part 380.~~

We find ourselves between the proverbial rock and a hard place. We are mystified by the apparent lack of governmental intervention in the interest of the health and safety of the people. DOE says it's not their job because it happened before they got here and they don't own the property. NYSERDA says it's not their job because DOE has control of that acreage and controls the source as part of the Demonstration Project. In numerous monitoring reports to DOE your agency stated that DOE and its contractor had "established and maintained controls, processes and programs adequate to protect public health and safety." ~~Now that the plume has very obviously gone into pristine areas and continues to spread, how can a statement like that be justified?~~ Apparently those statements were made in error.

~~The CTF assumes Perhaps you have assumed~~ that your NRC's guidance relationship with DOE precludes action to force compliance with laws and regulations meant to protect the public from harm. ~~NRC Your agency~~ apparently takes an advisory role and obviously is not "radiation police", but who else can we turn to? ~~Surely We hope~~ your responsibility is ~~includes~~ more than watching, waiting and advising. ~~NRC's Surely your~~ national commitment to protect the health and safety of the populace radiologically ~~should allow~~ allows room for some sort of action to force compliance. Admittedly there is much more contamination on the site, but we are mystified that ~~you~~ NRC would allow radioactive contamination of any sort to spread into uncontaminated areas, ~~whether or not especially when the source is known, or the danger imminent.~~

If it were any other site, we question whether NRC would allow the level of contamination that exists in the radioactive plume at the West Valley site to continue. If not, why are you continuing to merely monitor (watch) radioactive contamination that has been ~~known to be~~ migrating and spreading to previously uncontaminated areas for ~~almost forty well over thirteen~~ years and is now threatening to move off-site? Why are you not imposing 10CFR20 or any other protective standards?

We urge the NRC ~~you~~, in the interest of the people of Western New York, to require DOE to take immediate steps to stop the further spread of the plume.

We look forward to your reply and to positive action as soon as possible.

Sincerely,