

THE WEST VALLEY CITIZEN TASK FORCE

December 4, 2009

VIA Email Only

Ms. Linda White, Assistant Attorney General
Office of the New York Attorney General
New York State Law Department
Main Place Towers
350 Main Street, Suite 300A
Buffalo, NY 14202

RE: State of New York, et al v. United States of America, et al, No. 06-CV-810

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West Valley Citizen Task Force
c/o The Logue Group
PO Box 270270 – West Hartford, CT 06107
860-521-9122


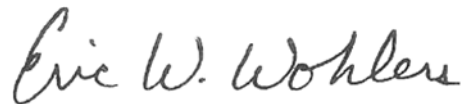
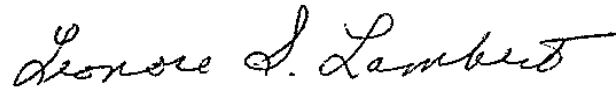
I-beam (H-beam) pathway for fluid could provide a possible impact the Kent Sequence. The Consent Decree, by allocation of allocation responsibility for the cutoff level of the beams, does not surface the possibility of contamination would be responsible for cleanup work necessary by mitigation of contamination along the beams.

3. On Pages 9 and 10, Section 26 identifies 3 classifications of contamination. We believe this distribution does not sufficiently address contamination that has been discovered in the area as mentioned above concerning the plume, such as the North Plateau Water Plume, or in other such areas. The allocation of responsibility for allowing it to spread could lead to situations where, due to delays and inaction during which the contamination spread and significantly increased possible cleanup costs. We see this as a direct result of the limited regulatory supervision of the Nuclear Regulatory Commission at WVDP.

4. Related to the above is the strong objection of some members of the Citizen Task Force concerning the 1/50 allocation for the North Plateau Water Plume. This objection is based on the fact that the West Valley Demonstration Project Act has been interpreted to give the RC the authority to *monitor* but not the authority to *demand* cleanup. If ERDA and DOE could not agree, the plume could continue to spread significantly over several years, thereby increasing the danger and cost. Because the lack of action is due primarily to the federal regulatory limits, it is fair to ask how the West Valley Project was

We look forward to your response and we hope that, after due consideration, the parties will make these modifications, after which the Court will approve the proposed Consent Decree.

Sincerely,



On behalf of the West Valley Citizen Task Force

cc: Dave Munro, Counsel NYSERDA
Ben Underwood, Counsel DOE
Paul Bembia, Program Director WVSMP
Bryan Bower, Director WVDP