



# Memorandum

**To:** Chad Glenn  
U.S. Nuclear Regulatory Commission (NRC)  
**From:** West Valley Citizen Task Force (CTF)  
**Date:** March 28, 2007  
**Subject:** Questions in Preparation for April 25, 2007 CTF Meeting

We look forward to your presentation at our monthly meeting on April 25, 2007. We thought it was appropriate to provide you with the following questions in advance of the meeting to give you time to prepare responses. The CTF appreciates your participation and looks forward to a productive meeting.

## NRC Regulatory Authority Regarding the West Valley Demonstration Project (WVDP)

- Regarding NRC's apparent "consultative role"... a) If the WVDP Act did not exist, would NRC's role be different and, if so, in what way(s)? b) Does NRC merely monitor compliance at other sites, and issue recommendations with no pressure (or legal authority) to require cleanup?
- Regarding regulatory authority... a) If the NRC does not have "regulatory" authority over the WVDP site, does NRC have any authority after inspections to enforce its recommendations and/or other laws or rules related to radioactive waste? b) If the WVDP Act were not in place, would the NRC then have authority to make recommendations and see that they are carried out? c) Is there another government entity with authority to supervise radiation issues with power to enforce laws, rules, etc? If so, what/who?
- Regarding determination of contamination ... At what concentration is contamination of soil or water, e.g. from Sr-90 or Cs-137, a concern subject to regulation? Does the fact that land is not generally accessible to the public exempt it from a designation of a "contaminated area?"

## N. Plateau Ground Water Plume

- Why is NRC apparently unconcerned about contamination from the plume reaching areas previously uncontaminated? We are very concerned that New York State land is being contaminated because the U.S. Department of Energy (DOE) is not stopping the plume, while NRC issues recommendations time after time, but does not issue enforcement orders.

Which agency will be liable for maintenance/monitoring/ultimate cleanup of the plume?

- NRC's letter from Charles Miller dated February 8, 2007, in response to our letter to Chairman Klein dated December 22, 2006 (regarding continued spread of the strontium-90 groundwater plume at West Valley), mentioned the pre-decisional draft "evaluations of options" which were considered last March by federal and state agencies. What are the options and why is DOE ignoring the obvious one... to clean up the source of the plume?
- What recommendations were made to DOE regarding its Sr-90 monitoring program, and have they been implemented?
- The phrase "potential dose to an off-site member of the public most likely to receive.." is often used. In relation to the plume, how does that potential differ from doses to workers or visitors on site? Animals on site?
- What radioactive elements are involved in the plume and in what concentrations and quantities? What are the readings directly above the plume in sunny and in cloudy weather? How many Curies are in the material below the Process Building and at various points over the plume's spread?
- Since the plume has been increasing and advancing, at what point does NRC assume that the plume will begin to subside; that is, at what point will the plume be gone? Decay or change in character? Become so dilute as to not be a risk in any scenario? Register below groundwater regulatory limits? How great will the numbers become before that point? If the peak concentration numbers that are measured on site were measured off site, what would NRC do? Who would be responsible for monitoring, responding to, and/or regulating that scenario?
- In light of New York State's contention that the DOE often has ignored the state's input into the Environmental Impact Statement (EIS) process, 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)?
- Would the plume be of concern to NRC or any other agency if it were creeping across New York State land other than that which includes or surrounds the Project, or on private land? Would not the land owners then be held responsible for cleanup, and in that case, who would hold them responsible?

We would also like to know what recommendations were made "for DOE's consideration to