

March 11, 2004

West Valley Citizen Task Force

Timothy J. Jackson
Acting Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

SUBJECT: West Valley Citizen Task Force Comments on the West Valley Demonstration Project Statement of Work

The members of the West Valley Citizen Task Force (CTF) strongly object to the contents of the Department of Energy's (DOE's) Statement of Work (SOW) distributed at our meeting on February 18, 2004. There is no need to read further than the first sentence to understand why we oppose this course of action. The premise on which it is based is false: that completion of this work will complete DOE's "responsibilities under the West Valley Demonstration Project (WVDP) Act with two exceptions."

We find numerous exceptions, not the least of which is the plan to hand the entire site, containing untold amounts of radioactive contamination, over to New York State in 2008 without yet having a record of decision (ROD) in place. In addition, DOE released the draft SOW without consulting with New York State Energy Research and Development Authority (NYSERDA) officials or the Seneca Nation of Indians prior to developing a plan for DOE to leave the site.

The outline of DOE's vision for a surveillance and maintenance plan similar to SAFSTOR raises numerous questions. All statements appear to be carefully worded to stay within the confines of a particular understanding of a specific law or rule, while misleading the average reader/citizen into thinking the site will be clean and safe when DOE leaves.

For instance,

C.1.2 - 1. "all wastes generated" by DOE. What about the other wastes that DOE previously was trying to contain (e.g. the strontium groundwater plume), but will now leave for future citizens to live with?

C.1.2 - 4. "the underground storage tanks (USTs) have been deactivated." What does the word "deactivated" mean? Could it mean that no further action is planned and the tanks will be left in the ground for the State of New York to deal with? Or, as used in line C.1.2 - 3, that "DOE-managed Project facilities" that have not been "removed" may be "deactivated" and left, also? Have we abandoned the words "decontamination and decommissioning" for a new, ambiguous term?



C.1.2–5. “meets DOE O 5400.5 for release without radiological restrictions.” It appears that you are replacing the U.S. Nuclear Regulatory Commission’s (NRC’s) License-Termination Rule (LTR) with an Order from within your own department. Similar use of an internal order resulted in the lawsuit DOE lost last Summer over changing the determination of some high-level waste to “Waste Incidental to Reprocessing” (WIR). Lawsuits result in delays. We don’t need any more delays caused by ill-considered plans. The DOE needs to stick with the original plan to work with the NRC toward decontamination and decommissioning of the site.

C.3.1. “decontaminate the Main Plant Process Building (MPPB) to reduce radiological risk.” Two exceptions loom in that statement: First, scraping the walls to beyond contamination has proved in the past to be an almost unending job (in some areas structural integrity could be compromised). For this reason site managers in the past planned to take the building down, which would also facilitate getting at the obvious source of the strontium groundwater plume. Secondly, using the DOE’s own Order 5400.5 rather than the LTR changes the formula for maximum human exposure from 25 to 100 mrem, significantly increasing the allowable risk.

C.3.2. “stabilize the heels” of the tanks “in a manner that does not prejudice the ROD.” This appears to be impossible if the DOE continues with its plan to grout the tanks. Changing the contents will most certainly “prejudice the ROD.”

C.3.3. “The concrete floor structures and surrounding soils . . . shall remain in place” and the Contractor shall “restore the below-grade demolition site” . . . and the area shall be “revegetated to prevent erosion.” Significant contamination will then remain, even though it is well-known that the West Valley site is highly erodible, having been declared unsuitable for burial of radioactive waste many years ago.

C.3.4. NRC-Licensed Disposal Area. Notable because it has been crossed out in the draft, the DOE’s reluctance to deal with an area known to contain a great deal of federal waste is another indication of the concerns of the community being ignored by the federal government.

Since we have studied the issues extensively over the years, and since we represent diverse elements of the population of the area, we believe our opinion should be taken as the rule, not to be ignored. We object to DOE’s consistent insistence upon working to its own narrow vision, rather than conforming to the obvious intention of the WVDP Act or listening to the objections of those of us who have followed this issue closely for many years.

The CTF has worked for seven years to see results, only to be faced with delays, many of them unnecessary, like the recent attempt to launch a method called Risk-Based End-States (RBES) which wasted the time of many hard-working people before it was dropped. The delay caused by the impasse between DOE and NYSERDA is a constant source of frustration for us.

The members of the CTF recently took a closer look at our final report from 1998, to compare it with DOE's plans. We find that our vision for the site does not match those of DOE; we plan to address that issue further in the near future. Not only do the CTF members all still agree with the points we made then, but we would say the same thing and more now, with even greater conviction than that which we felt at the time. We are sure that a careful look at what the people of Western New York want for this facility, as expressed in our 1998 report and numerous communications since then, could result in an end-state compromise acceptable to all concerned.

Sincerely,

A handwritten signature in cursive script that reads "Leonore S. Lambert".

Leonore Lambert
On Behalf of the West Valley Citizen Task Force

cc: US Senator Charles Schumer
US Senator Hillary Rodham Clinton
US Representative Amory Houghton
US Representative Thomas Reynolds
US Representative Jack Quinn
US Representative Louise Slaughter
NYS Senator Patricia McGee
NYS Assemblywoman Catharine Young
Bob Warther, DOE
Peter Smith, NYSERDA
Paul Piciulo, NYSERDA
Members of the West Valley Citizen Task Force