

467 Linwood Avenue
Buffalo, NY 14209
January 30, 2000

Jack Parrott, Project Scientist
Office of Nuclear Material Safety and Safeguards
Mail Stop T-8F37
US Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Parrott,

I am writing to state my concerns regarding the application of NRC license-termination rules to the West Valley Demonstration Project. These concerns are raised by the nature of the institutional controls that may be set at the Demonstration Project site, and also by the possibility that some steps taken now may interfere with further cleanup in the future.

My concerns are based on the recognition that the West Valley problem is not solved by the completion of the West Valley Demonstration Project and the principle that our actions now should not make future cleanup more difficult or prevent it.

The NRC rules allow for institutional control over parts of the site that do not meet the strict standard of 25 millirem per year dose to the average member of the critical group. This "institutional control" is not defined and only vaguely described. The West Valley Coalition, environmentalists, and other concerned citizens are rightly skeptical of this proposal for institutional controls. We remember that the Department of Energy has not always been at work at this site. It required a great deal of political pressure in the 1970s to bring the DoE to the site. Since then, the Demonstration Project has benefitted from advice and criticism by the West Valley Coalition.

I am reminded of a statement by Project Manager Dan Sullivan at a hearing about three years ago regarding the Environmental Impact Statement for site closure. At one point, Mr. Sullivan stood up and said, "This is my project." Probably Mr. Sullivan meant to say that whatever our concerns and criticisms, we should know that there was someone present at the meeting who was in an authoritative position and was able to respond to these concerns and criticisms. But at the time, Mr. Sullivan had only recently arrived from the DoE and he was talking to people who had been working on the West Valley problem since the mid-1970s. I assume that Mr. Sullivan is among the best at his job. Nevertheless, it is not his project. It would be irresponsible to treat it as his project.

So this undefined proposal for institutional control is unacceptable. If, for example, institutional controls include barriers, we need to know what kind of barriers, and exactly where they are planned. If institutional controls require future funding, there needs to be a trust fund committed. Most importantly, reliance on institutional controls needs to be minimized. If radioactive waste and

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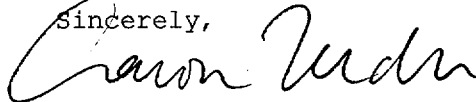
contaminated materials remain at the West Valley site, the danger will remain long after our institutions have ceased to exist.

Radioactive waste and contaminated materials should be maintained in above-ground retrievable storage, and eventually removed from the site. We know that the West Valley problem will get worse in the future as barriers are bypassed, materials migrate from burial grounds and other leaks, and erosion continues to grind away at the site. We need to withdraw radioactive material from this gradually worsening situation. This is the aim of the successful vitrification project. We certainly do not want to take steps now that will prevent this from being done in the future with the remaining radioactive material.

There is a proposal to fill the radioactive waste storage tanks with concrete. This would make it more difficult to remove radioactive material from the site. So this proposal is unacceptable. At best, the result would be a temporary slowing of radioactive leakage. But as erosion continues, tanks and other structure will gradually crumble, along with the concrete inside. It would be deceptive to claim this is a way of finishing the job at West Valley.

Again, the problem at West Valley is not going to be solved with the end of the West Valley Demonstration Project. We want to lessen the burden on future generations who will also have to deal with the West Valley problem. So our actions now should not prevent or make it more difficult to take future actions to cleanup the site.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Lercher". The signature is written in black ink and is positioned above the printed name.

Aaron Lercher