

From: Daniel O Hirsch [<mailto:cbghirsch@aol.com>]
Sent: Wednesday, April 14, 2010 3:16 PM
To: Tracy Egoscue
Cc: Louise Rishoff; Bill Craven; Damon Wing; Rebekah Rodriguez-Lynn;
Daniel O Hirsch; Rick Brausch; Linda Adams; Patty Zwarts; Ingrid
Brostrom; Teresa Rochester; Susan Abram; Noaki F. Schwartz
Subject: SSFL radioactive shipment to unlicensed site

Dear Tracy,

As you know, a significant controversy arose late last year when Boeing and NASA attempted to ship soil contaminated with the radionuclide cesium-137 from the Santa Susana Field Laboratory (SSFL) to a hazardous waste landfill at Kettleman Hills not licensed to receive such radioactive waste. In the end, the operators of the Kettleman facility decided to not take waste from SSFL.

In a September 24, 2009, letter sent to you by Boeing on behalf of NASA, they committed, if Kettleman would not accept the radioactively contaminated waste, to instead ship it to the EnergySolutions disposal site in Clive, Utah that is licensed and designed to receive and dispose of low-level radioactive waste and mixed waste.

Earlier today, however, NASA issued a news release saying it intended to send the soil contaminated with cesium-137 to a hazardous waste facility operated by US Ecology in Grandview, Idaho. Like Kettleman, the Grandview facility is not a licensed low-level radioactive waste (LLRW) disposal facility. (You may recall that US Ecology tried some years ago unsuccessfully to open a licensed LLRW site at Ward Valley, California.) The only licensed LLRW sites in the Western United States are in Washington State and Utah; the Idaho chemical disposal site is not one of them.

NASA indicated in its press release that the soils in question are being excavated pursuant to your 2008 order, and that they intend to commence excavation (and shipping?) on Monday, continuing for approximately four weeks.

We are puzzled and concerned by this turn of events, and have several questions:

1. Did you approve sending this radioactive waste to the unlicensed site in Idaho? When? On what basis?
2. Given the sensitivity of the issue, did you notify the Regional Board Members that NASA intended to ship the radwaste, not to the licensed Utah site as promised, but to an unlicensed site in Idaho, and obtain their OK?
3. Why was there no public hearing and/or opportunity for public comment, particularly given the controversy that erupted last fall when there was an effort to send the radwaste to another unlicensed site?
4. Did you consult with the SSFL Project manager at the Department of Toxic Substances Control (DTSC), which has lead authority for the cleanup of SSFL? If so, when? Did you get official DTSC sign-off on the waste being shipped to the unlicensed site?
5. LLRW is not to be shipped out of state for disposal without an export permit granted by the Southwestern Low-Level Radioactive Waste

Compact Commission. Did you assure that such a permit -- to ship to the unlicensed Idaho site -- was obtained from the Commission?

[I note that there was some rumor at one point that the licensed Utah site had a minimum concentration limit that might have prevented the waste from going there. I have confirmed with the operators of that facility that that is not true.]

We ask that you immediately direct NASA to not ship this radioactive waste to the unlicensed site in Idaho but instead to a licensed site. If you will not do that at this time, we ask that you direct NASA to not ship the waste offsite until there has been a public hearing and opportunity for public comment and full consultation with other agencies and commissions and it has been determined that it is appropriate and legal to not ship this waste, as NASA had promised, to a site licensed for LLRW and mixed waste. Deferring the shipment until resolution of the legality and propriety of shipment of this radioactive waste to a site not licensed for radioactive waste can cause no harm, as one has until the start of the next rainy season to remove the material (the removal was directed by you in order to stop stormwater leaving the site with excess contamination).

Tracy, it is hard to believe we are going through this all again, after the fiasco involving the Boeing/NASA attempt to send these very wastes with cesium-137 to an unlicensed site at Kettleman in the fall, with essentially no public notice and without any opportunity for public input. They promised to send it to a licensed LLRW/mixed waste site if Kettleman wouldn't accept it; and now, three business days before they start, we are told as a fait accompli that they are breaking that promise and trying once again to instead send the radioactive waste to a site permitted for chemicals, not radioactive waste, just like Kettleman. As the old Dylan line goes, "What price do I have to pay to get out of going through all this twice?"

We look forward to your prompt action, given the Monday threatened start date, and also ask that you forward this email to the Members of the Board.

Sincerely,

Dan Hirsch
President
Committee to Bridge the Gap