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October 27, 2009****GOVERNOR PATERSON ANNOUNCES AGREEMENT ON FINANCIAL
RESPONSIBILITIES FOR CLEANUP OF THE WESTERN NEW YORK
NUCLEAR SERVICE CENTER**

Governor David A. Paterson today announced that New York State and the federal government have reached an agreement resolving financial responsibility for the cleanup of radioactive waste at the Western New York Nuclear Service Center, also known as West Valley Site, in Cattaraugus County. The resolution ends a decade-long dispute over the allocation of cleanup costs between the state and federal governments.

"This resolution is a significant milestone in our ongoing work to decontaminate the West Valley Site and ensure the area's long-term environmental health and safety," Governor Paterson said. "With this agreement, our state and federal governments may proceed with a clear understanding of their roles and responsibilities."

The agreement filed today, known as a Consent Decree, resolves a lawsuit filed in 2006 by New York State against the federal government, clarifies the federal government's responsibilities under a 1980 federal law, and divides costs between the two governments for other facilities at the site. The State Attorney General's Office and the federal government have signed the consent decree, along with the New York State Energy Research and Development Authority, which owns title to the land on behalf of New York State. Following a 30-day public comment period, the State will review the comments and ask the Court to approve the Consent Decree if this is appropriate in light of the comments received.

The agreement does not prescribe specific remediation actions, nor does it affect cleanup alternatives that are currently the subject of a draft Environmental Impact Statement (EIS) for the site.

Under a law passed by Congress in 1980, the U.S. Department of Energy is responsible for certain aspects of the cleanup and disposal of nuclear contamination on approximately 200 acres of the West Valley site. As directed by that law, New York State is responsible for 10 percent of the costs of the cleanup directed by Congress, with the federal government paying 90 percent. New York is the only state that contributes to the cleanup of a high-level radioactive waste site. To date, the federal and state governments have incurred more than \$2.4 billion in cleanup costs, with New York paying more than \$270 million.

In the agreement issued today, specific allocations vary by the facility, with the federal government continuing to pay 90 percent of the costs for many of the cleanup activities. Both the State and Federal Governments have, however, agreed to different percentages of the cleanup costs for some important facilities, such as the site disposal areas and the radioactive groundwater plume

The West Valley site is located approximately 30 miles south of Buffalo. It was once home to the nation's first and only privately-operated, commercial nuclear fuel reprocessing facility. The facility was located at the Western New York Nuclear Service Center, a 3,300-acre parcel currently owned by NYSERDA on behalf of New York State. The reprocessing operation separated reusable uranium and plutonium from spent fuel, which came from both commercial and federal defense-related reactors. The facility shut down in 1972 and never re-opened.

A copy of the Consent Decree is available at: <http://www.ny.gov/governor/press/pdf/>

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