

**NYSERDA****NEW YORK STATE ENERGY RESEARCH &  
DEVELOPMENT AUTHORITY**

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**NYSERDA BOARD AUTHORIZES LAWSUIT AGAINST THE FEDERAL  
GOVERNMENT OVER WEST VALLEY**

At a meeting today, the Board of the New York State Energy Research and Development Authority voted to authorize litigation to determine the responsibilities of the federal government with respect to the nuclear cleanup at West Valley. “The Department of Energy has taken a very limited view of its responsibility to clean up nuclear waste at West Valley,” said Vincent DeIorio, Chair of NYSERDA. “We have been working for years to convince the Feds to live up to their obligations, but have been unable to reach agreement. We’re very concerned that DOE is cutting the budget and the workforce at West Valley when there is a great deal more work to do. DOE seems to be planning an early departure and we don’t want the taxpayers of New York State left holding the bag,” Mr. DeIorio said.

West Valley is the site of a former spent nuclear fuel reprocessing facility. The facility separated out reusable uranium and plutonium from spent fuel, primarily from the federal nuclear weapons reactor at Hanford, Washington. The reprocessing facility was operated by a private company on land owned by New York State. When the plant stopped operating, the private company left behind a contaminated facility, including underground tanks full of high-level radioactive waste. To address this problem, Congress passed the West Valley Demonstration Project Act, which requires the Department of Energy to solidify the high-level waste, and decontaminate and decommission facilities at West Valley. While most of the high-level radioactive waste has been

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successfully solidified, NYSERDA and DOE are at an impasse about the scope of DOE's obligation to decontaminate and decommission the contaminated facilities.

NYSERDA staff had negotiated with DOE for over two years, but DOE broke off negotiations without a resolution at the end of the Clinton administration. Efforts to move the talks forward since then have been unsuccessful. Representatives Kuhl, Reynolds, Boehlert, and Higgins have introduced legislation in the House, and Senators Clinton and Schumer in the Senate, that would resolve the responsibility issues. While NYSERDA officials indicated that they would prefer to resolve the matter by new legislation, NYSERDA President, Peter R. Smith said that "The progress of the legislation is uncertain and we feel compelled to proceed simultaneously along the litigation track to make sure that we get these responsibility issues resolved so that we can move forward with the cleanup."

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