



**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

CRYSTAL D. PEOPLES-STOKES
141st Assembly District, City Of Buffalo

MAJORITY LEADER

January 21, 2021

Mr. Joe Martens
Commissioner
NYS DEC
625 Broadway
Albany, NY 12207

Dr. Howard Zucker
Commissioner
NYS DOH
Corning Tower, Empire State Plaza
Albany, NY 12237

Mr. Richard Kauffman
Chair
NYSSERDA
17 Columbia Circle
Albany, NY 12203

Re: NY - West Valley Nuclear Waste Site | Demolition of the Main Plant Processing Building

Dear Commissioners:

My office is in receipt of numerous requests from the West Valley Action Network (WVAN), an umbrella group including over twelve different organizations and individuals who have been working to protect the health and environment around the West Valley Nuclear Waste site for many decades. I am reaching out to respectfully request your involvement to intercede and demand an enclosed demolition with offsite air and water monitoring of the Main Plant Processing Building. The public also deserves to be keep updated with real time reporting and access to results.

WVAN expressed their concerns for the expected Spring 2021 demolition of the West Valley "Main Plant Processing Building" (MPBB). This building is one of the 'hottest,' most radioactive buildings in the US nuclear power and weapons fuel chain because it reprocessed commercial nuclear power irradiated fuel. The concern of WVAN is that US Dept. of Energy (DOE) is not planning this demolition in a way to ensure the protection of the public's health from the possible release of radioactivity into the neighboring and downwind/downstream communities, including the Cattaraugus Territory of the Seneca Nation Indians, Gowanda, Buffalo, WNY, Central, NY and beyond. This would severely jeopardize Buffalo and WNY's

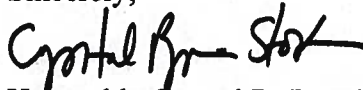
estuaries, habitats and public health today as well as future generations. Consequently, Buffalo's listing as a future climate change haven and destination would also be threatened (<https://www.nbcnews.com/science/environment/buffalo-oasis-scientists-say-warmer-earth-could-make-colder-cities-n1113711>).

My office was advised that DOE told WVAN that they would complete an evaluation comparing open air demolition to using a building enclosure for the MPPB. However, DOE informed WVAN recently that the evaluation was never done. The Nuclear Regulatory Commission (NRC) has requested complete details from DOE about the radiological inventory for all the rooms in the MPPB in order for the NRC to allow open air demolition, but DOE has not yet provided that information. Open air demolition puts everyone and everything at risk.

New York is an **Agreement State** <<https://scp.nrc.gov/rulemaking.html#NY>> with the US Nuclear Regulatory Commission (NRC). NYS Department of Environmental Conservation (DEC) and Health (DOH) are responsible for some of the nuclear regulatory control. DEC is responsible for hazardous waste and materials and NYS Department of Health (DOH) has responsibility for the protection of health in the state. NYSERDA fulfills its responsibilities on site under the 1980 federal West Valley Demonstration Project Act.

In closing, I would appreciate the involvement of your respective agencies to prevent the open-air demolition of the West Valley Nuclear Site's Main Plant Processing Building. We demand the responsible action of erecting an enclosure in advance of demolition with offsite air and water monitoring and publicly accessible real time reporting and results to protect the surrounding populations and environments of New York.

Sincerely,



Honorable Crystal D. Peoples-Stokes
Majority Leader, New York State Assembly
141st District

CC:

Hon. Chuck Schumer, US Senate, Majority Leader
Hon. Kirsten Gillibrand, US Senator
Hon. Tom Reed, US House of Representatives, 23rd District
Hon. George Borrello, NYS Senator, 57th District
Hon. Joseph Giglio, NYS Assembly Member, 148th District
US DOE
US EPA Region 2
West Valley Action Network
West Valley Citizen Task Force