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## PRESS RELEASES - 2006

FOR IMMEDIATE RELEASE:  
December 11, 2006

### PATAKI AND SPITZER ANNOUNCE LEGAL ACTION TO ENSURE REMEDICATION OF RADIOACTIVE CONTAMINATION AT WEST VALLEY SITE

#### State Action Cites U.S. Department of Energys Responsibility for the Cleanup, Seeks to Advance Progress and Avoid Further Delays in the Project

Governor George E. Pataki and Attorney General Eliot Spitzer today announced that New York State has filed a lawsuit to ensure that the federal government remediates radioactive waste at a former nuclear fuel reprocessing facility in West Valley, Cattaraugus County, in a timely manner. The suit also seeks damages for harm the federal government has caused to the State's natural resources.

The lawsuit seeks to clarify the responsibility of the U. S. Department of Energy (DOE) for certain aspects of the cleanup so that the federal government is held responsible for completing the project. The Attorney General's Office and the New York State Energy Research and Development Authority (NYSERDA) filed the lawsuit to resolve issues that have delayed the project.

"The cleanup of nuclear waste from the West Valley site must move forward as expeditiously as possible, and we will not tolerate senseless delays and uncertainty related to this important project," Governor Pataki said. "Federal law requires the U.S. Department of Energy to decontaminate the site and pay for offsite disposal of the nuclear waste, and we must ensure that they fulfill these obligations. Since numerous discussions have failed to resolve this issue, we are taking the necessary legal steps to force the Department of Energy to complete the cleanup."

Attorney General Spitzer said, "It is imperative that the federal government provide sufficient funds to ensure the full remediation of this radioactive waste facility. Concern for human health and environmental impacts drive our work to hold the federal government accountable for this site."

Vincent DeIorio, chair of NYSERDA, said, "The U.S. Department of Energys limited view of its obligations at West Valley is now interfering with work that needs to be done. We view this action as a necessary next step in making sure the cleanup at West Valley continues to make progress."

The West Valley site – approximately 30 miles south of Buffalo – 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, a majority of which came from the federal nuclear reactor in the State of Washington and other defense-related reactors.

A private company called Nuclear Fuel Services leased the property and operated the spent nuclear fuel reprocessing facility at the site from 1966 to 1972. Approximately 640 metric tons of spent fuel, most of which came from federal nuclear weapons facilities, was processed at the plant, which also accepted radioactive waste from nuclear power plants for disposal. The plant generated approximately 600,000 gallons of highly radioactive liquid waste stored in underground steel tanks. Radioactive waste from commercial waste generators and reprocessing wastes also were disposed of on approximately 22 acres at the site.

The private operator ceased operations in 1972, but left behind a contaminated facility, including underground tanks containing high-level radioactive waste. Under the West Valley Demonstration Project Act, passed by Congress in 1980, the DOE is responsible for the cleanup and disposal of nuclear contamination on approximately 200 acres of the West Valley site. This portion of the property housed the major facilities of the center, including the reprocessing plant, spent fuel storage facilities, liquid low-level radioactive waste storage tanks, a wastewater treatment plant with lagoons, and a five-acre landfill.

The demonstration project calls for the solidification of high-level radioactive waste and the transport of this solidified waste to a federal repository for permanent disposal. In addition, DOE must decontaminate and decommission the facilities used in this process. Substantial progress has been made toward the remediation, and potential risks to public health or the environment have been reduced. Most of the liquid high-level radioactive waste in the underground tanks has been solidified into glass logs and is being stored on site. However, radioactive contamination remains in the facilities, soil, and groundwater. Several of the radioactive substances that are stored or disposed at the center will remain a threat to public health and the environment for tens of thousands of years. Recent workforce reductions and funding cuts by DOE at West Valley raise concerns about federal commitment to complete the project.

Under federal law, New York State is responsible for 10 percent of the costs of the cleanup, 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 state has contributed more than \$250 million to the project.

The states legal action seeks to hold DOE financially accountable for addressing this contamination and managing the radioactive waste disposal area on the site. The lawsuit was filed today in federal court in Buffalo.

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