



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR - 1 2007

Frank Marcinowski
Deputy Assistant Secretary for Regulatory Compliance
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

Dear Mr. Marcinowski:

Thank you and Bruce Diamond for taking the time on February 6, 2007 to speak with me and my colleagues about the West Valley site in New York. We understand from that conversation, and from the February 2 meeting between Environmental Protection Agency (EPA) Region 2 Regional Administrator Alan Steinberg and Department of Energy (DOE) Assistant Secretary James Rispoli, that the Core Team has suggested an additional alternative for inclusion in the Draft Environmental Impact Statement (DEIS) for the West Valley site. Identification of this new proposal as DOE's Preferred Alternative in the EIS process would satisfy our immediate concerns. This Alternative would include:

- removal of the Process Building, all structures (except the High Level Waste (HLW) Tank Farm), and contaminated soils on the North Plateau consistent with the NRC Policy Statement on West Valley for unrestricted release or release with restrictions to achieve 25 mrem/year; and
- management of the HLW Tank Farm and the NRC-licensed Disposal Area (NDA), with periodic reviews (probably on a five-year cycle) to identify long-term solutions that are technically feasible and economically viable; the goal is to implement such long-term solution(s) when identified. (Like other Alternatives, this one would also include appropriate management of the New York State-licensed Disposal Area (SDA).)

Consistent with applicable environmental statutes and regulations (including NEPA) and availability of appropriations, the enhanced interim end state for the West Valley site will be achieved by implementing certain activities, which will begin promptly and prior to the completion of a Record of Decision (ROD), though these activities may not be completed before the ROD is completed. The objective of these activities will be to:

- reduce, to the maximum extent practicable, any remaining liquid in the HLW tanks;
- take actions to maintain and improve the continued containment of HLW tank residues without jeopardizing the viability of potential future long-term solutions;
- minimize the further spread of the Sr-90 groundwater contaminant plume;
- take interim corrective action, including but not limited to installation of a cap, to prevent water infiltration into the NDA; and

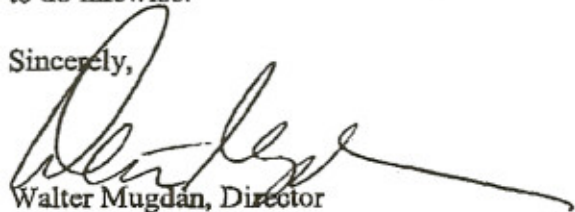
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- facilitate removal of the Process Building and the soils beneath by relocating, as soon as practicable, the HLW canisters to an alternate location on the West Valley site or elsewhere.

We are encouraged by this approach and anticipate that this path forward will provide a protective, long-term solution for West Valley. We look forward to working with you through the Core Team process to further develop this Alternative, and encourage all involved agencies to do likewise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter Mugdan', with a long horizontal flourish extending to the right.

Walter Mugdan, Director
Division of Environmental Planning & Protection