

September 4, 2009

Paul A. Giardina, Chief
Radiation and Indoor Air Branch
United State Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007-1866

Dear Mr. Giardina:

The New York State Energy Research and Development Authority (NYSERDA) is in receipt of your letter dated September 1, 2009 to Bryan Bower of the United States Department of Energy. We understand that the issues you raise will be the subject of discussions at the September 9 interagency meeting. We look forward to those discussions.

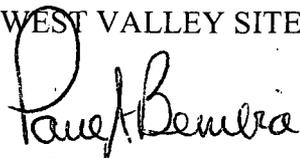
In anticipation of that meeting, we would like to correct a misimpression of NYSERDA's position on two issues reflected in your letter. First, NYSERDA has not made a Phase 2 decision for the State-Licensed Disposal Area (SDA) at West Valley. Our position has been, and remains, that more analytical work is necessary before a supportable Phase 2 decision can be made. We do believe that continued monitoring and maintenance of the SDA for some period of time is an option that should be considered in the EIS for the Phase 2 decision.

Second, we have not come to any decision as to whether continued monitoring and maintenance would be an acceptable alternative for the Nuclear Regulatory Commission-Licensed Disposal Area (NDA). We believe that option should be considered as well.

Further, we believe that whether the SDA and NDA should be treated identically in Phase 2 decisionmaking is an issue that will need to be decided based on applicable regulatory requirements, and on all the analysis that we have completed when the time for a Phase 2 decision arrives. We'd be happy to discuss this further on September 9.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM



Paul J. Bembia, Program Director

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