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The Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) have overcome some very challenging obstacles in the last few years to get approval of a Record of Decision (ROD) and New York State Environmental Quality Review Act Finding Statement for the Decommissioning and/or Long Term Stewardship at the West Valley Demonstration Project (WVDP) and Western New York Nuclear Service Center based on the selected Phase Decision making as the cleanup approach chosen earlier this year.

Also on Tuesday, August 17th the U.S. District Court, Western District of New York, signed a Consent Decree that formalized the agreement reached by (DOE) and (NYSERDA) on the allocation of costs for cleanup of the (WVDP) and the Western New York Nuclear Service Center.

As stated by Dr. Ines Triay, Assistant Secretary for the Office of Environmental Management, "The DOE is committed to partnering with our stakeholders as we fulfill our cleanup requirements", "This Consent Decree is the result of substantial and continuing dialog between the (DOE) and the State of New York". And President and CEO of NYSERDA Francis J. Murray stated that, "This settlement agreement ensures the cleanup at West Valley will continue unimpeded by cost uncertainties for both the Federal and State governments". "We can now continue the cleanup as partners, working together to protect the health and safety of the community and region, our site workers and the environment". I am pleased to hear these statements and commend the parties involved in reaching agreement on matters that seemed unreachable a short time ago.

In 2009 through the American Recovery and Reinvestment Act (ARRA) 65 workers were hired and went through a rigorous 11 week training program to help accelerate progress on major WVDP activities such as installation of the Waste Tank Farm Vault and Tank Drying System which will help ensure the integrity of the high-level radioactive waste tanks, decontamination of the Main Plant Process Building (MPPB) to get it "demolition ready", and installation of the permeable treatment wall to mitigate the spread of the strontium-90 groundwater plume to name a few.

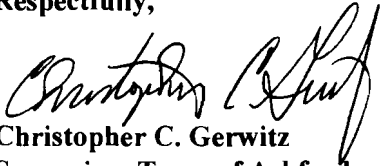
On May 12th at our Regular Town of Ashford Town Board meeting it was announced and confirmed by NYSERDA that \$11,000,000 of ARRA funding would be redirected from the WVDP to the Brookhaven, Long Island facility in an effort to finish cleanup work there. This news was absolutely devastating. As a result much momentum was lost at the WVDP. Work which was planned for the relocation of the 275 high level waste glass canisters, the characterization of the High Level Waste Tank 8D-4 liquids and the disposition of newly generated radioactive wastes, and the delay of the treatment of liquid wastes stored in the (MPPB) was all put on hold. From my understanding the budget for 2010 was supposed to be \$74 million dollars. Including the loss of the \$11 million dollars the project was left with

a total of \$59 million dollars a shortfall of \$15 million. To me from a planning and executing of work standpoint this is unacceptable and counter productive.

In 2011 the DOE will award a new WVDP contract that will begin the Phase 1 decommissioning activities. I would ask/recommend that the amount of \$85 million dollars be awarded annually for the Phase 1 decommissioning activities at the WVDP.

In closing I would like to thank you for your interest and involvement in this important project.

Respectfully,



Christopher C. Gerwitz
Supervisor Town of Ashford

Copy:

Senator Charles E. Schumer
Senator Kirsten E. Gillibrand
Governor David Paterson
Congressman Brian Higgins
Congressman Christopher Lee
Congressman Charles Rangel
Congressman John Hall
Congressman Jerrold Nadler
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Congressman Gary Ackerman
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Jerry Collins, NYSDOH
Honorable Steve Israel
Dr. Ines Triay, Assistant Secretary for Environmental Management USDOE
Honorable Louise Slaughter
Judith Enck, Regional Administrator US Environmental Protection Agency