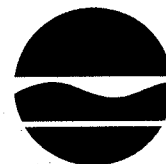


**New York State Department of Environmental Conservation
Division of Environmental Remediation
Radiation Control Permit Section, 11th Floor**

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Joe Martens
Commissioner

JUN 22 2012

June 21, 2012

Ms. Moria Maloney
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

Ms. Maloney:

As per your request the Department has reviewed information to determine if non-radiologically impacted material from the West Valley Demonstration Project (WVDP) may be disposed of as construction and demolition debris in local landfills.

The Department has reviewed WVDP-234-*Workplace Radiological Surface Measurements Program and Technical Basis Document* and RC-RPO-104 *Performing Radiation and Contamination Survey* with particular attention to Attachment 10, *Radiological Survey Plan for Disposal of Material at a Landfill in New York State*.

Based on these procedures, the Department believes that this material, provided it meets other disposal criteria for the landfill, can be disposed of in a Permitted Part 360 landfill. This is only allowable if USDOE can demonstrate that the material is radiologically indistinguishable from background. Regardless of the Department's determination such disposals are at the landfill's discretion.

The USDOE must submit a Sampling and Analysis Plan for each facility/area to be surveyed and considered for disposal. Upon acceptance the USDOE will survey the facility and provide all data and third party verifications to the Department for review. The Department reserves the right to perform its own confirmatory surveys as deemed necessary.

If you have any further questions on this subject, please call me at (518) 402-8579.

Sincerely,

David J. O'Hehir
Environmental Radiation Specialist
Radiological Sites Section

ecc:

Jamie Prowse, USDOE

Paul Bembia, NYSERDA

Mark Hans, Region 9

Patrick Concannon, Region 9

Lynn Winterberger, DER

Tim Rice, DER

Tom Papura, DER