

ERIC J.J. MASSA
29TH DISTRICT, NEW YORK

COMMITTEE ON AGRICULTURE
COMMITTEE ON ARMED SERVICES
COMMITTEE ON
HOMELAND SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515-3229

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December 18, 2009

Dr. Ines Triay
Assistant Secretary for Environmental Management
Department of Energy
1000 Independence Ave, Sw
Washington, DC 20585-0001

COPY

Dear Dr. Triay:

I write to express my strong support for an ongoing and robust public engagement process for the West Valley Demonstration Project and Western New York Nuclear Service Center. I have heard from the West Valley Citizen Task Force, a group that has been an active participant at the West Valley site for more than 12 years, regarding their concerns about how the public will be consulted in ongoing decisions.

I share their concerns and ask that you consider and plan for ongoing public engagement that will help inform the agencies and the public and be open and transparent. Even with the anticipated issuance in the coming months of a Final Environmental Impact Statement and Record of Decision, there are many decisions which will need to be made that require timely public participation.

The United States Department of Energy and the New York State Energy Research & Development Authority should formally commit to continuation of the West Valley Citizen Task Force (CTF). The Citizen Task Force has played an important role in ensuring that DOE and NYSERDA pay attention to issues of grave importance to the public including such things as the now planned remediation of the source area of the North Plateau Ground Water Plume and placing a geomembrane cap on the NRC-Licensed Disposal Area to prevent additional water infiltration and potential leaking of contamination into the groundwater and adjacent tributaries to the Great Lakes. The CTF has played an important role keeping the focus on citizen concerns and advocated for the necessary funding.

Further, the CTF is an example of how citizens and agencies can work together to solve problems. This is a model that should not be lost, especially in light of the leadership and emphasis the President has placed on the public participation and transparency of decision making. Further, DOE and NYSERDA appear to be collaborating more effectively in recent years which bode well for implementation of difficult decisions ahead.

In addition to the continuation of the CTF, I also urge you make other commitments in the Final Environmental Impact Statement and Record of Decision, if not before. These include:

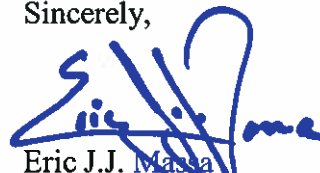
1. If the Core Team, or a similar group of agencies, regulators or experts, continues to meet, then a process should be established for public and CTF interaction with that group, especially on the technical and factual matters, at the early stages of decision making. In the event that the Core Team process is abolished in favor of a renamed and/or streamlined inter-agency advisory body or process, it seems critically important for you and the Citizen Task Force to get a sense of what that new process or team might be and how the CTF and others will have an opportunity to interact with it.

2. If a new additional and ongoing public involvement body which includes various environmental advocacy groups and/or others is established (as your agencies have indicated is under discussion), then the CTF should have a representative on that body.

Given the complexity of the decision-making at this site, the opportunity for public review and input, at a stage that is early enough to be meaningful, is critical to public support and understanding. Early-stage involvement is not just a seat at the table for a "stakeholder" or public representative who reports back to others; it also provides access to a wealth of site-specific technical and historical knowledge that certain members of the public possess. Such knowledge is especially important at complex sites where "institutional memory" among agency staff may be limited by staff turnover, etc.

Thank you for your consideration and I look forward to your response.

Sincerely,



Eric J.J. Massa
Member of Congress

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Mr. Francis J. Murray
President
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-5156

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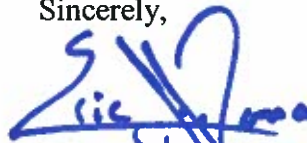
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