



New York State Energy Research and Development Authority

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December 22, 2009

The Honorable Eric Massa
1208 Longworth House Office
Building
Washington, DC 20515

Dear Congressman Massa,

Thank you for your letter dated December 18, 2009, in which you expressed your strong support for an ongoing and robust public engagement process for the West Valley Demonstration Project and Western New York Nuclear Service Center. I give you my assurance that NYSERDA remains fully committed to involve the West Valley Citizen Task Force (CTF) and the public in the many decisions that will face us as the West Valley cleanup proceeds.

As you stated in your letter, the West Valley CTF has been actively engaged in West Valley cleanup issues for over 12 years. This deliberative body of concerned and interested citizens has given much time and effort to making sure that the community has a voice in the cleanup, and we appreciate their dedication, and respect and value their input. Through its straight-forward communications with DOE and NYSERDA, its efforts to reach out to all levels of government regarding West Valley issues, and its 1998 "Final Report," the CTF has repeatedly demonstrated that it serves an important role at West Valley. I can assure you that we will continue to work with the CTF as the cleanup continues beyond the current Environmental Impact Statement and Record of Decision.

Your letter also mentions the need to establish a mechanism for the CTF and the public to interact with the Interagency Core Team if the Core Team continues to meet. NYSERDA has, in the past, supported the concept of having a CTF member attend meetings of the Core Team. Because all participating agencies did not agree on this point, however, previous Core Team meetings were not opened to CTF members or the public. If the Core Team meets in the future, NYSERDA will work with the other agencies to try to reach agreement on opening these meetings to the public.

You should also be aware that DOE and NYSERDA are discussing the concept of formally convening an independent group of technical experts to provide advice and guidance to the agencies as we identify and implement the technical studies that will be needed if Phased Decisionmaking is selected for implementation. Agency meetings with this group would be open to the public, and we would ensure that members of the public have the opportunity to contribute their technical and historical knowledge as specific studies are identified and implemented.

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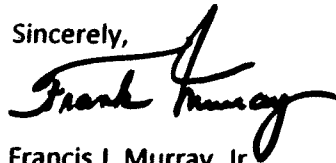
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Congressman Massa
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While we have made significant progress on cleanup at West Valley, important and challenging work remains. I assure you that NYSERDA believes that an informed and involved public is a critically important component for achieving success.

I would be happy to meet with you to discuss this issue, or any other issues related to West Valley, at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Murray". The signature is written in a cursive style with a large, sweeping initial "F".

Francis J. Murray, Jr.
President and CEO

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

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

December 18, 2009

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Mr. Francis J. Murray
President
New York State Energy Research and Development Authority
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Dear Mr. Murray:

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.

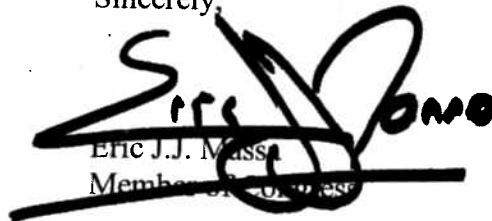
In addition to the continuation of the CTF, I also urge you make other commitments in the Final Environmental Impact Statement and Record of Decision, if not before. These include:

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 the Core Team