



November 19, 2008

Bryan Bower, Director
U.S. Department of Energy, WVDP
10282 Rock Springs Road
West Valley, NY 14171-9799

Rebecca Tadesse, Chief
Materials Decommissioning Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: West Valley Demonstration Project Decommissioning Plan Community Involvement

Dear Mr. Bower and Ms. Tadesse,

The West Valley Citizen Task Force objects to the Department of Energy's omission of community involvement and advice in preparing the Decommissioning Plan for the West Valley Demonstration Project. DOE's assumption that public participation in the Decommissioning Plan is superseded by public participation in the environmental impact statement process is faulty. The levels of detail in the EIS and Decommissioning Plan are quite different.

In omitting community involvement, DOE has created serious gaps in communication with stakeholders, resulting in denial of the fundamental right of the public to participate in important governmental decisions. The following statements summarize our objections:

- Individuals and institutions that may be affected by the decommissioning have not been identified and informed of the opportunity to provide advice to DOE concerning the decommissioning plan.
- The manner in which DOE obtained advice from these individuals and/or institutions cannot be demonstrated (because such advice has not been obtained).
- DOE has not provided for participation by a broad cross-section of community interests with respect to obtaining advice on the decommissioning plan.
- DOE has not provided a description of how it provided for a comprehensive, collective discussion on the issues by the participants who represent the community's interests.
- DOE has not provided a copy of the publicly available summary of the results of the decommissioning plan, including individual viewpoints of the participants and the extent of

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agreement and disagreement among participants (there is no summary of results because discussions have not taken place).

- DOE has not provided a description of how the summary has been made available to the public (because there is no summary).
- DOE has not provided a description of how it evaluated the advice, and the rationale for incorporating or not incorporating the advice from affected members of the community into the decommissioning plan (there has been no opportunity for advice and no evaluation of such advice).

The West Valley Citizen Task Force demands that DOE provide these necessary types of public involvement and advice before the Decommissioning Plan goes forward.

Sincerely,

Michael W. Hutchinson

Roy A. ...

Anthony ...

Walter ...

[Signature]

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[Signature]

[Signature]

Tim. Sepe

Louise ...

Pete ...

[Signature]

[Signature]

[Signature]

Members of the West Valley Citizen Task Force

- c:
- The Honorable Charles E. Schumer, U.S. Senate
 - The Honorable Hillary R. Clinton, U.S. Senate
 - The Honorable John R. Kuhl, U.S. House of Representatives
 - The Honorable Brian M. Higgins, U.S. House of Representatives
 - The Honorable Thomas M. Reynolds, U.S. House of Representatives
 - The Honorable Louise M. Slaughter, U.S. House of Representatives
 - The Honorable David A. Paterson, Governor of New York State
 - The Honorable Catharine M. Young, NYS Senate
 - The Honorable Joseph Giglio, NYS Assembly
 - Paul J. Bembia, Director, NYSERDA, West Valley Site Management Program
 - Paul A. Giardina, EPA, Region II, Chief-Radiation and Indoor Air Quality Branch
 - Chad Glenn, NRC, Sr. Program Manager
 - Timothy Rice, NYSDEC, Radiation Section
 - Gary H. Baker, NYSDOH