

Citizens' Environmental Coalition
Center for Health, Environment and Justice
Citizens Campaign for the Environment
Coalition on West Valley Nuclear Wastes
Concerned Residents of Portland + People Like Us (Crop Plus)
Nuclear Information and Resource Service
Sierra Club Niagara Chapter

September 13, 2010

Bryan Bower
Director
West Valley Demonstration Project
Department of Energy
10282 Rock Springs Road
West Valley, NY 14171-9799

Paul Bembia
Director
West Valley Site Management Program
New York State Energy Research and Development Authority
10282 Rock Springs Rd.
West Valley, NY 14171-9799

Re: West Valley Nuclear Site Phase I Study Process:
Our Strong Opposition to Proposed Independent Scientific Panel

Dear Mr. Bower and Mr. Bembia,

We are writing to convey our complete opposition to a process that sets up a three member Panel to make final decisions regarding Phase I study issues raised by the public, subject matter experts and agencies. We understand that DOE and NYSERDA are moving forward with the establishment of this panel and with contracts to 3 specific panel members. A panel chosen by DOE and NYSERDA without public approval negates the entire concept of independent scientific review. Therefore, this so-called

Independent Scientific Panel must be eliminated immediately from the Phase I study process.

In general, the process, as currently formulated, limits the effectiveness of public participation and increases the power of the agencies to obtain their desired pre-determined decisions. The agencies have scientific staff and the resources to hire additional scientific consultants. The agencies have no need for a new structure that brings scientific expertise to a public decision-making process. The process that has been so deficient is the public process. The so-called independent scientific panel does nothing to enhance public participation; nor, is it independent. A truly independent panel would serve the public interest, and have the capacity to hire truly independent scientific expertise.

The agencies have listed and diagrammed a proposed process that includes a scientific panel as a last step in the process, after the subject matter experts, the regulatory agencies and the public have had input. No purpose or rationale has been provided for this scientific panel. Years of work at West Valley have demonstrated that both of the principally involved agencies, DOE and NYSERDA, have scientists on staff as do other involved federal and state agencies. These agencies have routinely hired consultants with relevant scientific expertise. The proposed process also includes Subject Matter Experts, which will be scientific and technical experts. Thus, the need for additional scientific expertise has not been justified.

The public has been through an extensive so-called public process in which an environmental impact statement was issued without the appropriate study and analyses normally present in an EIS. The agency rationale for this state of affairs was a desire to move forward on some cleanup measures in the absence of all the necessary studies. The Agencies proposed to do some limited Phase 1 work while also completing Phase 1 studies. The EIS also omitted any detail about the proposed Phase 1 studies that are absolutely necessary to making Phase 2 decisions.

Thus we start this new Phase I study process with a serious gap in public information and public participation arising out of the deficient EIS. This is the problem the Phase 1 study process should be addressing as primary issues-- information, public input and participation. Key questions that should be asked are-- how do we increase public participation in relation to Phase I studies? and how do we ensure that public concerns are adequately addressed? Instead the Phase I study process has no clearly identified purpose. The so-called independent scientific panel is not only unnecessary but will be counterproductive, adding another layer of government bureaucracy, apparently to dismiss public concerns. In fact the structure identified for the process enables this panel to serve as one more barrier for the public to overcome. Under this process the public will not deal directly with the agencies to obtain final decisions. Instead a three- member panel will be making final decisions. Presented as supposedly independent, these panel members have served the principal agencies in the past as hired consultants.

There is no need for this nuclear-industry oriented panel, which is unlikely to have the best interests of Western NY communities and Great Lakes ecosystems at heart. We are

in complete opposition to this scientific panel and ask that it be eliminated immediately from the proposed Phase I study process.

We would appreciate a response as soon as possible. Please note that in the near future we intend to provide additional comments on the proposed studies and the overall process. For questions, please call Barbara Warren at 845-754-7951 or 518-462-5527.

Sincerely,



Barbara Warren
Citizens' Environmental Coalition

Anne Rabe
Center for Health, Environment and Justice

Brian Smith
Citizens Campaign for the Environment

Joanne Hameister
Coalition on West Valley Nuclear Wastes

Diane Hofner
Concerned Residents of Portland + People Like Us (Crop Plus)

Diane D'Arrigo
Nuclear Information and Resource Service

Bob Ciesielski
Sierra Club Niagara Chapter

Joseph A. Gardella, Jr., Ph.D.
John and Frances Larkin Professor of Chemistry
University at Buffalo, SUNY

Lynda H. Schneekloth, Professor Emeritus
School of Architecture and Planning
University at Buffalo / SUNY

cc. Core Team members
NY Senators
Western NY Congressmembers &
State Legislators