

Center for Health, Environment & Justice* Citizens' Environmental Coalition* Coalition on West Valley Nuclear Wastes* Concerned Citizens of Cattaraugus County* Environmental Justice Action Group of Western NY, Inc. * New York Public Interest Research Group* Niagara Watershed Alliance* Nuclear Information and Resource Service* Sierra Club Niagara Group* Alliance for a Green Economy

September 6, 2012

Memo to Lee Gordon, NYSERDA, LMG@nyserda.org and Moira Maloney, US DOE, moira.maloney@wv.doe.gov

Re: The Climate Change Expert Panel & Next Steps

The Climate Change experts and the workshop went well, particularly in providing an opportunity for the public to participate and facilitating those opportunities via WebEx and phone. Sufficient Q& A sessions were the most useful and informative.

However, the major problem with this effort is related to the absence of a planned scope of work and next steps, both of which have not been adequately described by the Agencies. According to the Agencies the experts will produce a report for the Agencies and that will be used to prepare "Guidance". We have received no further details or explanation of this guidance. In addition, the Climate Change experts were given two framing questions for their work, which can have little meaning for them without background information on the West Valley site and its key characteristics. As climate experts they have no innate understanding of Phase I and Phase 2.

Since the EIS did not study climate change, this provided the principal reason for additional analysis of climate change during phase I. This information should have been provided to the expert panel along with basic information about the site facilities and the erosion problem. NEPA at the federal level and SEQRA at the state level provide the regulatory framework for environmental analysis. Filling this gap in the environmental analysis is critically important.

A second major issue relates to next steps from the workshop. According to the Agencies the experts will produce a report for the Agencies and that will be used to prepare "Guidance". We have received no further details or explanation that describes how this guidance will be used. The expert report should also be provided to the public, when it is completed, so that we may comment on it.

How we will proceed to assess climate change and integrate with the other study areas has not been delineated, nor has the regulatory framework for climate change been delineated. We know there is a regulatory framework for climate change at both the federal and state levels. Both the federal and state governments are engaged in climate change strategies and plans. As one of 20 agencies involved with the Interagency Task Force on Climate Change, DOE has responsibilities for policies and infrastructure, including facilities like West Valley. Adaptation is particularly relevant to West Valley as it requires the assessment of vulnerabilities to climate

change and measures to address the vulnerabilities. At the state level, NYSERDA is a lead agency for the Climate Action Plan and the Energy Plan.

At the August 2nd meeting we were told that the report of the Climate experts would be used to develop "Guidance." Neither the guidance or its development were thoroughly described for the public, so we are limited in our ability to adequately comment on this proposal. However, we believe that there are stronger requirements here than the word "guidance" implies, and include requirements for environmental assessments as well federal and state requirements to address vulnerable facilities and related adaptation measures.

The appropriate follow-up to the August 2nd meeting is to have presentations by both agencies of their climate change activities and a full discussion of the next steps on Climate change, including how climate change impacts at West Valley will be comprehensively assessed and integrated with other Phase I studies.

Sincerely,



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cc. Bryan Bower, Paul Bembia, Bill Logue, Lynette Bennett and Dhananjay Rawal