

**Center for Health, Environment & Justice* Citizens Environmental Coalition*
Coalition on West Valley Nuclear Wastes* Indigenous Women's Initiatives*
Nuclear Information & Resource Service* Sierra Club**

April 25, 2011

Dr. Inés Triay, Assistant Secretary for EM
Department of Energy
1000 Independence Ave, SW
Washington, DC. 20585
[REDACTED]

Bryan Bower, Director, West Valley Demonstration Project
Department of Energy
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Francis J. Murray, Jr., President and CEO
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Paul Bembia, West Valley Site Program Director, NYSERDA
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RE: West Valley Independent Scientific Panel (ISP) composition

Dear Dr. Triay, Mr. Murray, Mr. Bower and Dr. Bembia:

We are nominating members for the West Valley Independent Scientific Panel (ISP) which is intended to provide expert guidance and mediation on the studies to be done to inform a final decision on the West Valley nuclear site cleanup.

The ISP needs multi-disciplined experts and strong expertise in hydrology, since this is one of the crucial issues at the site. The panel must know how to look at the adequacy of information collected and determine what additional information is needed to make

sound decisions. The panel must understand and respect the values of the community. Risk assessment is important but the panel should not be comprised solely of risk assessors. The fate of our region and resources is at stake. The composition should be more comprehensive both academically and representationally.

In light of the highly influential role the panel will play in the studies that will provide the data to inform and justify the final cleanup decisions at the West Valley site, we strongly urge that NYSERDA and DOE include Dr. Marvin Resnikoff, Dr. Kristin Shrader-Frechette, and Mr. Robert Gilkeson for the ISP at West Valley.

The qualifications of the candidates we are nominating are appended to this letter in Attachments: Resnikoff and Gilkeson. Dr. Shrader-Frechette's curriculum vitae is in Attachment 2. Contact information for these nominees is provided at end of this letter.

Dr. Marvin Resnikoff is the principle nuclear physicist at Radioactive Waste Management Associates. He has extensive knowledge of the West Valley site and was co-author of the Independent Full Cost Accounting Study on cleanup options for the site (2008). Resnikoff worked for the Commonwealth of Kentucky on the Maxey Flats radioactive waste disposal site, which, like the West Valley SDA trench area, is one of the 6 original commercial nuclear waste burial sites in the country. He has worked for government and nonprofit clients.

Dr. Kristin Shrader-Frechette PhD is a professor at the Departments of Biological Sciences and of Philosophy at the University of Notre Dame. She also directs the Center for Environmental Justice and Children's Health. Her degree is in the philosophy of science with postgraduate work in biology (community ecology), economics, and hydrogeology. She has extensive experience in risk management and many related technical fields and has a human and environmental perspective.

Most of Shrader-Frechette's research analyzes mathematical, biological, or ethical problems in risk assessment, public health, or environmental justice - especially those related to radiological, ecological, and energy-related risks. She has held Woodrow Wilson Foundation, National Science Foundation, and Carnegie Foundation Fellowships in philosophy of science and has held offices/served on committees in the US National Academy of Sciences, the Risk Assessment and Policy Association, the American Philosophical Association, the Philosophy of Science Association, the Society for Philosophy and Technology, and the International Society for Environmental Ethics. Shrader-Frechette has been a member of many boards and committees of the International Commission on Radiological Protection, US Environmental Protection Agency, National Council on Radiation Protection and Measurement, and the National Research Council/National Academy of

Sciences, including its Board on Environmental Studies and Toxicology, its Committee on Risk Characterization, and its Committee on Zinc-Cadmium-Sulfide Dispersions.

Robert Gilkeson is a hydrogeologist who has extensive experience in geology, hydrogeology, geochemistry and geophysics research and service. While at the Illinois Geological Survey, he characterized the subsurface geology (led the geophysics research) of the Sheffield radioactive waste site, one of the original 6 commercial nuclear waste sites in the country.

Because hydrology is such a crucially important concern at the site, we believe that one of the members should be an expert in this field with a broad understanding of how to set up and perform studies and an awareness of the pitfalls of ill-designed studies. Gilkeson has this knowledge. Because long range health effects from the radioactivity at the site are a major concern, it we recommend that one of the members have a full understanding of the radioactive inventory and accompanying uncertainties. Resnikoff has this knowledge. It makes sense to include panelists with knowledge of the geology and radioactivity at the other similar radioactive waste burial sites. Resnikoff and Gilkeson have this experience.

The panel should have greater balance and variety than currently proposed by DOE and NYSERDA. It should include at least one member with an understanding of Holistic Risk Based Decision Making, incorporating social, cultural and spiritual values, beliefs, and practices. It should have members who are cognizant of the cultural importance of the studies being done and appreciate the environmental injustice aspects of the studies and methods. ...Our candidates are "science statesmen [*and stateswomen*] types" (in compliance with one of DOE and NYSERDA's descriptors for the panel), some who have been part of the National Academy of Sciences but also have represented states, communities and residents threatened with or actually exposed to nuclear and toxic contamination.

Our concerns with the DOE/NYSERDA nominees are detailed in attachments appended to this letter. The general concern is that they have historically worked exclusively for the nuclear industry, pronuclear agencies and in some cases against the community on behalf of the corporate polluter.

The currently proposed make up includes three risk assessment experts with strong backgrounds working for the nuclear power industry and "regulators." In our research we were unable to find instances of DOE and NYSERDA's nominees having represented a public-interest or environmental perspective or client. This is important

because West Valley is a precedent-setting site, with implications beyond protecting our land, water and ecosystem.

We recommend replacing Drs Garrick, Whipple and Clarke with the following candidates whose CVs or bios are attached.

The candidates (Garrick, Whipple and Clarke) that DOE and NYSERDA are considering are not supported by the concerned public. All three specialize in the same field, risk assessment, with experience working for the nuclear industry (sometimes against the affected public), the Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste and the National Academy of Sciences, but no appreciable evidence of experience representing the public and environmental interest.

Both Garrick and Whipple were on the National Academy of Sciences (NAS) Board on Radioactive Waste Management or on panels under that board during numerous controversial nuclear waste studies (specifically on "low-level" radioactive waste siting in NYS, on the Ward Valley proposed waste site in California and on Yucca Mountain, NV). The Board's nuclear waste siting studies triggered elected officials in those 3 states to write the National Academy of Sciences president requesting an independent review of the Board due to lack of openness, objectivity and balance, "widespread perception of bias," conflict of interest, failure to provide information access, release conflict of interest forms and failure to provide opportunities for experts from both sides of an issue to give oral presentations.

A major concern is that Dr. Garrick tends to underestimate risk and strongly discourages use of the worst case scenario as being too unrealistic and burdensome. This has been reported by observers at the Yucca Mountain site in Nevada, the Waste Isolation Pilot Plant (WIPP) site in New Mexico and the NRC Advisory Committee on Nuclear Waste meetings.

Dr. Whipple's career has been largely in the service of the nuclear power industry and he has served as an expert in favor of polluters.

We ask that the 3 nominees that DOE and NYSERDA have been considering be replaced with the candidates nominated here, who have proven track records of public service in addition to stellar credentials.

We are disappointed that our opposition and inherent concerns about the ISP itself have been dismissed. NYSERDA and DOE appear to be proceeding without any proposed remedy for our concerns related to the continued use of agency experts, which raises

issues of bias and conflict of interest. To ensure that radioactive waste and contamination issues at West Valley are properly addressed, we need truly independent scientists with a sensitivity for long range public and environmental concerns. If there must be an ISP, it should be composed of members that have shown the ability to serve as advocates representing the public's legitimate scientific concerns.

Thus we support the appointments of Dr. Shrader-Frechette, Dr. Resnikoff and Mr. Gilkeson¹ to the West Valley Independent Scientific Panel.

Sincerely,

Diane D'Arrigo
Nuclear Information and Resource
Service

[Redacted]

Barbara Warren
Citizens Environmental Coalition

[Redacted]

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Cc: Governor Andrew Cuomo, Attorney General Scheiderman
US Senators Charles Schumer and Kirsten Gillibrand, All NY Congressional
Representatives. All Western NY Assemblymembers and Senators, Environmental
Committee Chairs and Leadership.