February \_\_\_\_\_, 2019

Defense Nuclear Facilities Safety Board

625 Indiana Ave NW Suite 700
Washington, DC 20004

**Hearing@dnfsb.gov**

Re: Public Comment about DOE Order 140.1

Restricts Access to Hazard Category 3 Facilities, such as the

CMRR Radiological Laboratory Utility and Office Building (RLUOB) at

Los Alamos National Laboratory

Dear Defense Nuclear Facilities Safety Board and Staff:

I am very concerned about DOE Order 140.1, “Interface with the Defense Nuclear Facilities Safety Board.” The U.S. Department of Energy (DOE) and its contractors developed the Order without the opportunity for the Board and the public to review it and provide comments. The Board, through its oversight activities at some of the most dangerous nuclear weapons sites across the country and its reports, are some of the ways the public has access to information – for which I am extremely grateful.

But DOE’s Order eviscerates the Board’s access to information, facilities and personnel. Congress created the Board in 1988 after numerous disclosures about worker and public health and safety issues at DOE facilities.  The Board’s statutory mission is to “provide independent analysis, advice, and recommendations to the Secretary of Energy … in providing adequate protection of public health and safety at defense nuclear facilities.”

I am particularly concerned about the Order restricting access to Hazard Category 3 facilities, such as the Radiological Laboratory Utility and Office Building (RLUOB) at Los Alamos National Laboratory (LANL). LANL is the only DOE facility in the U.S. where plutonium cores, or “pits,” for nuclear weapons are manufactured. Under the Order, Hazard Category 3 facilities would no longer be under the Board’s purview.

Although DOE has stated at the two previous public hearings that their Order will not be implemented as written, as the public, we know we cannot believe what DOE says.

For instance, in 2011, in response to public comments about locating nuclear weapons work into other LANL facilities than the RLUOB, DOE stated, the

RLUOB was **not** constructed to address the security and safety requirements of Hazard Category 2 or 3 levels of nuclear material. Thus, [DOE] would **not operate RLUOB as anything other than a radiological facility, which would significantly limit the total quantity of special nuclear material that could be handled in the building.** As a result, AC [analytic chemistry] and MC [material characterization] operations requiring Hazard Category 2 and 3 work spaces **could not** be carried out in RLUOB.” [Emphasis added.] <http://energy.gov/sites/prod/files/EIS-0350-FSEIS_Summary-2011.pdf>, at p. S-13.

But DOE gave itself permission to increase the amount of plutonium allowed in the RLUOB from 8.4 grams (about a third of an ounce) to 400 grams (nearly a pound) – a 46-fold increase! DOE’s 2011 assurances are meaningless. Because of their self-approved increase of the amount of plutonium allowed in the RLUOB, it is now a Hazard Category 3 facility. The RLUOB was **not** designed nor built to handle more than 8.4 grams of plutonium.

Now, seven years later, the DOE Order prevents Board oversight of the RLUOB.

Further, as DOE plans to increase plutonium pit manufacturing at LANL, the public requires greater oversight of LANL, not less.

I urge the Board to fight against the implementation of DOE Order 140.1. Do everything in your power to provide “adequate protection of public health and safety at defense nuclear facilities.” The Board’s oversight must be expanded – not contracted.

Thank you for your careful consideration of my comments.

Sincerely,

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cc: Senator Tom Udall

 Senator Martin Heinrich

 Representative Ben Ray Lujan

 Representative Deb Haaland

 Representative Xochitl Torres Small