

Alliance for Nuclear Accountability

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Watchdog groups oppose DOE attempt to limit oversight, endanger safety at nuclear facilities

contacts: Kathy Crandall Robinson (Washington, DC): 202 577 9875
Joni Arends (New Mexico): 505 986 1973
Tom Carpenter (Washington state): 206 419 5829
Tom Clements (South Carolina): 803 834 3084
Jay Coghlan (New Mexico): 505 989 7342
Don Hancock (New Mexico): 505 262 1862
Ralph Hutchison (Tennessee): 865 776 5050
Marylia Kelley (California): 925 443 7148

Watchdog groups from across the nuclear weapons complex are pushing back against a new Department of Energy order that severely constrains the oversight capacity of the Defense Nuclear Facilities Safety Board [DNFSB] at an August 28 hearing in Washington, DC. Kathy Crandall Robinson will speak at the hearing.

Members of the Alliance for Nuclear Accountability, a national network of organizations that addresses nuclear weapons production and waste cleanup issues, hail the work of the DNFSB as a critical guard against DOE and National Nuclear Security Administration efforts to cut corners on safety.

“The Safety Board works outside of the media spotlight,” said Tom Clements, Director of Savannah River Site Watch in Columbia, South Carolina. “Its value to the public is immeasurable. DNFSB frequently provides information about SRS operations which DOE fails to communicate. The role of the Safety Board should be expanded, not curtailed.”

Marylia Kelley, Executive Director of Tri-Valley CAREs in Livermore, California, said, “The DNFSB is absolutely vital to worker and public safety. I have spent 35 years monitoring Livermore Lab. I can tell you that workers and community members rely on the Safety Board to do its job—every day!”

The need for DNFSB oversight

The public outcry comes in response to the DOE’s effort to implement DOE Order 140.1 in ways that would dramatically limit the Safety Board’s role at some of the most dangerous nuclear facilities in the country.

Under the revised order, the Safety Board is prohibited from talking to contractor employees—the people closest to the work—without getting authorization from managers and DOE.

“In an institution with a terrible track record of abusing whistleblowers, it is crucial that DNFSB have access to any and all personnel as they explore safety issues at our sites,” said Ralph Hutchison of the Oak Ridge Environmental Peace Alliance. “Stifling the collection of information from the people who have the most direct knowledge is a brazen attempt to control and limit the Safety Board’s access.”

The DOE Order also removes some facilities— rated Category 3 and under nuclear facilities—from DNFSB oversight altogether. “In essence, this makes DOE and NNSA self-

policing,” Hutchison said. “There will be virtually no independent oversight on safety issues at some of these dangerous nuclear facilities. That is unacceptable.”

Safety Board track record

Tom Carpenter, Executive Director of Hanford Challenge, noted numerous instances of Safety Board intervention that identified serious safety concerns. “The list of Safety Board accomplishments is too long to enumerate here,” Carpenter said. “Within just the past several years, the Safety Board identified numerous concerns about the build-up of explosive and flammable hydrogen gases in the Hanford waste tanks. They have also tagged issues at the Waste Treatment Plant, including criticality control, flaws in the design and construction of electrical systems, and erosion and corrosion in the pulse jet mixer system for high-level waste.

“These were issues the Board raised because DOE and its contractor had failed to self-identify or correct them. The Board identified major issues with the potential releases of ammonia at the Waste Treatment Plant as well as design flaws that could deliver fatal doses to workers in some parts of that facility.”

ANA groups charge that many hazards identified by the DNFSB across the nuclear weapons complex would not have otherwise been brought forward or corrected, creating unacceptable safety conditions that would present a menace to human health, safety, and the environment.

“The Safety Board can save taxpayers’ dollars when they are listened to,” noted Hutchison. “In Oak Ridge, the Safety Board repeatedly pushed for the NNSA to integrate safety into the design of the multi-billion dollar Uranium Processing Facility bomb plant. NNSA refused—the result was a financial disaster that cost taxpayers more than half a billion dollars. It didn’t have to happen—if NNSA had listened to the Safety Board, it wouldn’t have happened.”

Don Hancock of Southwest Research and Information Center in Albuquerque, New Mexico noted, “In a June 2011 report, the DNFSB identified that the Waste Isolation Pilot Project [WIPP] underground repository ‘does not adequately address the fire hazards and risks associated with underground operations.... [nor] recognize the potential impact of a fire on WIPP’s ability to process waste, and ultimately on the ability to reduce inventories of transuranic waste at other DOE sites.’ Unfortunately, DOE did not adequately address those problems and a February 5, 2014, underground fire shut down the facility.”

DOE Order limits Safety Board access

Many of the Safety Board’s most useful contributions come in the process of evaluating DOE/NNSA construction projects for safety. The revised DOE Order prohibits DNFSB from having access to construction plans for expensive and dangerous facilities.

“What makes this even more outrageous,” said Jay Coghlan, Executive Director of Nuclear Watch New Mexico, “is that NNSA and DOE consistently top the Government Accountability Office’s list of high risk projects—every time the GAO updates their list, they repeat their finding on DOE and NNSA, that poor management makes them highly susceptible to project failure, cost and schedule overruns, and outright fraud.”

DNFSB recommendations in New Mexico and Oak Ridge have led to increased attention to seismic concerns as new facilities were being designed.

Coghlan said, “This Order will shackle dissenting voices, put a straightjacket on those who best know unsafe conditions (the workers themselves), and encourage additional retaliation against whistleblowers. The attempt to remove Hazard Category-3 and under

facilities from DNFSB purview appears to run counter to the Safety Board's enabling legislation."

Kelley agreed. "At Livermore, the Order means DNFSB may be barred from inspecting—or even entering—the Tritium Facility and other hazardous buildings in which severe safety violations have led to major radiation releases."

The job of the Board is set out in the congressional legislation that created it in 1988. Its statutory mission is to "provide independent analysis, advice, and recommendations to the Secretary of Energy to inform the Secretary, in the role of the Secretary as operator and regulator of the defense nuclear facilities of the Department of Energy, in providing adequate protection of public health and safety at defense nuclear facilities." The Board also reports to Congress annually.

"Limiting access to information, facilities and personnel, as proposed by the new DOE Order, will hamper the Board's important oversight work to keep Congress, DOE, the public and the media informed about DOE's failures to keep workers and the public safe," said Joni Arends, Director of Concerned Citizens for Nuclear Safety in Santa Fe, New Mexico.

Group calls for DOE/NNSA hearings

In a letter to Secretary of Energy Rick Perry, ANA groups note that DOE is required by law to provide the Safety Board with ready access to facilities, personnel and information "as the Board considers necessary to carry out its responsibilities." Noting that DOE's Order was promulgated and put into effect with no public input, the ANA groups are calling for DOE to rescind the current Order. Barring that, ANA is asking Perry to hold the Order in abeyance and to hold public hearings across the DOE weapons complex within 90 days to explain the need for the change in the DOE's Order and to receive public comment.

"When it comes to safety, too often we get lip service from DOE and NNSA. Citizens have no way of checking up on them," said Hutchison. "We rely on the Safety Board. Their reports provide a window into the operations at sites across the country. Too often, they tell us of problems and incidents that pose risks to workers and potentially to the public. Of course, DOE and NNSA sometimes find this inconvenient—but that's a small price to pay for operating as safely as possible. We are grateful for the technical expertise and the transparency that are the hallmarks of the work of DNFSB. This effort to constrain them is wrongheaded and dangerous."

- 30 -

ANA letter to Secretary of Energy Perry at: <http://bit.ly/ana-dnfsb>

Read the Alliance for Nuclear Accountability Fact Sheet here. –

<https://nukewatch.org/newsite/wp-content/uploads/2018/08/ANA-DNFSB-Hearing-Fact-Sheet-8-24-18.pdf>

additional information:

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Joni Arends, Concerned Citizens for Nuclear Safety (Santa Fe, NM): 505 986 1973

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Jay Coghlan, Nuclear Watch New Mexico (Santa Fe, NM): 505 989 7342

Don Hancock, Southwest Research and Information Center (Albuquerque, NM): 505 262 1862

Ralph Hutchison, Oak Ridge Environmental Peace Alliance (Oak Ridge, TN): 865 776 5050

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