



## DOE MUST RESTORE DEFENSE NUCLEAR FACILITIES SAFETY BOARD ACCESS TO INFORMATION, NUCLEAR SECURITY FACILITIES, AND PERSONNEL

*Livestream of the Board's public hearing on Wednesday, November 28, 2018*

### *What's happened*

On May 14, 2018, the Department of Energy (DOE) Deputy Secretary approved DOE Order 140.1 *Interface with the Defense Nuclear Facilities Safety Board*, which limits release of information, limits the DNFSB's access to nuclear security sites, and personnel. The impacts are already being felt by Congress, the Board, DOE contractors and workers, and in communities located near some of the most dangerous nuclear facilities across the nation.

### *Background*

After numerous disclosures about releases and discharges from DOE defense nuclear facilities impacting public health and safety, Congress created the Board 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 does not have regulatory power. Even so, since its inception, the Board and its staff, including the Resident Inspectors located at some of the most dangerous nuclear facilities in the country, have provided continuing oversight of complex, high-hazard operations involving nuclear weapons; remediation of nuclear wastes and legacy facilities; design and construction of new DOE defense nuclear facilities; as well as review of DOE safety standards.

### *What you can do*

The Board is holding a second public hearing on Wednesday, November 28, 2018, from 10 am to 1:30 pm EST. It will be live streamed and the link will be available on the day of the hearing at <https://www.dnfsb.gov/public-hearings-meetings/august-28-2018-public-hearing>.

Public comments can be submitted until December 28, 2018 at [hearing@dnfsb.gov](mailto:hearing@dnfsb.gov)

### *ANA's message*

The Alliance for Nuclear Accountability has reviewed DOE Order 140.1 and believes it imposes a level of constraint on DNFSB that jeopardizes the important mission of the Safety Board. In fact, it may well violate the legislation that established the Board.

ANA groups and the public at major DOE sites have come to rely on the Safety Board's expertise to identify and hold accountable the DOE and National Nuclear Security Administration for worker and public safety related issues. Our list of Safety Board revelations that have led to significant improvements is long.

We also rely on the Safety Board for information; the weekly reports of Resident Inspectors are one of the few windows available to the public into what goes on at DOE and NNSA sites.

The DOE's attempt to limit Safety Board access to people, documents, information, and facilities is not acceptable. We are calling for DOE to rescind DOE Order 140.1. Should DOE refuse, we are asking for the Order to be put on hold until public hearings are held (within 90 days) at each site with a Safety Board presence to explain to the public why it has taken this step—and to listen to our comments.

Learn more about ANA at [ananuclear.org](http://ananuclear.org).

#### **DOE SITES WITH DNFSB RESIDENT INSPECTORS:**

Hanford [WA]  
 Los Alamos National Laboratory [NM]  
 Oak Ridge National Laboratory [TN]  
 Y-12 National Security Complex [TN]  
 Pantex [TX]  
 Savannah River Site [SC]

#### **OTHER DOE SITES WITH FACILITIES UNDER DNFSB PURVIEW INCLUDE:**

Idaho National Laboratory [ID]  
 Lawrence Livermore Laboratory [CA]  
 Nevada National Security Site [NV]  
 Sandia National Laboratories [NM & CA]  
 Waste Isolation Pilot Plant (WIPP) [NM]

# voices

ACROSS THE WEAPONS COMPLEX  
*a sampling of DNFSB work at sites by ANA members*

## AT WIPP

The DNFSB has identified numerous health and safety problems at the Waste Isolation Pilot Plant (WIPP). In a June 2011 report, the DNFSB identified that WIPP “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 (TRU) waste at other DOE sites.” Unfortunately, DOE did not adequately address those problems and a February 5, 2014 underground fire shut down the facility.

DNFSB has identified other issues with the ventilation system upgrades and other aspects of the WIPP recovery from the 2014 fire and radiation leak that would have been overlooked and not become publicly known without the WIPP monthly reports.

Don Hanock  
*Southwest Research and Information Center*  
ALBUQUERQUE, NM

## AT LOS ALAMOS

When we approached DOE with our concerns about the growing seismic danger on the Parajito Plateau, we were ignored. At the time, they were determined to build a super-sized nuclear facility at Los Alamos to manufacture plutonium pits for nuclear weapons.

We took our concerns to the Safety Board in Washington, DC, the Board recognized the growing risk that our expert’s seismic analysis demonstrated. They didn’t agree with us 100%, but they took up the issue and wrote recommendations challenging DOE’s interpretation of the risk—which DOE has dragged its feet to resolve.

Joni Arends  
*Concerned Citizens for Nuclear Safety*  
SANTA FE, NM

## AT LIVERMORE LAB

The scope and severity of the changes listed in DOE Order 140.1 is alarming. The Order terminates DNFSB authority for all Hazard Category 3 and below Defense Nuclear Facilities across the entire nuclear weapons complex. 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. In fact, Safety Board recommendations have led to procedural changes, enhanced safety, and fewer accidents at Livermore.

This Order is not a minor change; it is an all out frontal assault on the authority and existence of the safety board itself. There are some in the present administration who want to see the DNFSB gone. In truth, the DNFSB is absolutely vital to worker and public safety. Workers and community members rely on the safety board to do its job – every day!

Marylia Kelley  
*Tri-Valley CAREs*  
LIVERMORE, CA

## AT OAK RIDGE

The Safety Board’s weekly reports provide a window for the public into the otherwise completely secret DOE world.

That’s how we learned of 26 bulging drums of mislabeled waste in the main storage facility in Oak Ridge, a disaster waiting to happen.

DNFSB also forced NNSA to make safety design changes to the UPF bomb plant—had NNSA listened at the outset, they would have saved half a billion dollars. We rely on the Safety Board to put safety first when DOE and NNSA won’t.

Ralph Hutchison  
*Oak Ridge Environmental Peace Alliance*  
OAK RIDGE, TN

## AT HANFORD

The Board has identified numerous serious safety concerns regarding the build-up of explosive and flammable hydrogen gases in the Hanford waste tanks, and numerous issues connected to the Hanford Waste Treatment Plant, including criticality control, hydrogen gas accumulation and control, flaws in the design and construction of electrical systems, and erosion and corrosion in the pulse jet mixer system for the high-level waste. These were issues that the Board raised with DOE because DOE and its contractor had failed to self-identify and/or correct these issues.

In addition to raising these kinds of concerns, the Board identified and pursued corrective actions for nuclear safety culture lapses at Hanford and other sites that go to the heart of nuclear safety: if workers are chilled from making reports about nuclear safety violations, then management doesn’t have a chance to fix those issues. The Board’s ground-breaking work on the issue of nuclear safety culture was supported by studies and surveys, and laid the basis for a nationwide review of deficiencies and corrective actions in this area.

Tom Carpenter  
*Hanford Challenge*  
SEATTLE, WA

## ACROSS THE COMPLEX

The Safety Board is the only entity that has compelled the NNSA to seriously consider increased projected seismic hazards while building new nuclear weapons facilities. Potential fires following major seismic events at these facilities that will handle large amounts of special nuclear materials would likely put workers and the public at very serious risk.

DOE’s Order seeks to have NNSA and contractor personnel speak with “one voice”, which runs the risk of being more concerned with politics than safety. This will shackle dissenting voices, put a straightjacket on those who best know unsafe conditions (the workers themselves), and encourage additional retaliation against whistleblowers. Finally, the DOE’s attempt to remove Hazard Category-3 and under facilities from DNFSB purview appears to run counter to the Safety Board’s enabling legislation.

Jay Coghlan  
*Nuclear Watch New Mexico*  
SANTA FE, NM

## AT SAVANNAH RIVER

The Safety Board works outside of the media spotlight. 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.

Tom Clements  
*Savannah River Site Watch*  
COLUMBIA, SC