**Report on Defense Nuclear Facilities Safety Board public hearing**
February 21, Albuquerque, NM
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Turnout was not great, approximately 45 people attended, leaving half of available chairs empty. But the quality of the hearing was quite good. Media attended, but there are not stories yet that I'm aware of (perhaps because the hearing ended at 9:00 pm).

Some 22 people made public comments, all against DOE Order 140.1, *Interface with the Defense Nuclear Facilities Safety Board*. Notable amongst those was John Heaton, the most prominent WIPP booster (and also of Consolidated Interim Storage of high level radioactive wastes in New Mexico). I thought the quality of public comment was quite good. Fellow commenters from the Alliance for Nuclear Accountability were Don Hancock, Scott Kovac, Joni Arends, Susan Gordon and myself.

DNFSB board members questioned a panel composed of National Nuclear Security Administration (NNSA) and Department of Energy (DOE) environmental management officials and DNFSB's Technical Director. They were Steve Goodrun, NNSA Los Alamos Field Office Manager (who was assigned by NNSA to push pit production); Doug Hintze, DOE Environmental Management Los Alamos; Jeffrey Harrell, NNSA Sandia Field Office Manager; and Chris Rosetti, DNFSB Technical Director. Todd Shrader, DOE WIPP guy, canceled for unstated reasons.

DOE and NNSA testimony was strange – they repeatedly claimed that nothing much was going to change under DOE Order 140.1, and that a lot of its implementation would be "subjective" and driven through "personalities" (in context that seem to mean whomever the DOE/NNSA field managers might be).

Both the Board and the public sure weren't buying that.

DNFSB Technical Director Rosetti had a very interesting pie chart, which I took a picture of and am attaching. It shows that under DOE Order 140.1 the Safety Board would only have access to 29% of all DOE facilities that it had access to before the Order. As a footnote, I'm not clear why DNFSB wouldn't have access to "Hazard Category 1 or 2 without safety class controls." I'm going to ask a DNFSB site rep why that is.

Of special interest to me were DNFSB members' closing remarks, which was after public comment. I actually think they were fired up by the public comment. I heavily paraphrase, except for within quotation marks. Comments within […] are mine.

Daniel Santos: Health and safety is for everybody. "DOE Order 140.1 is not an action designed to increase public trust." DOE cannot do this Order "without challenging the rule of law" [for context, there had been much discussion by both Board Members and members of the public that DOE Order 140.1 conflicts with DNFSB enabling legislation.] I'm going back to Washington and I'm going to encourage that there be more public hearings out in the field.

Joyce Connery: "The words on the page [meaning the Order] don't reflect the words of what we heard tonight" [i.e., testimony by DOE/NNSA that not much would change under the Order]. "I will adhere to the statute [i.e., DNFSB's enabling legislation giving the Safety Board the right to determine what it accesses], not DOE."

Jessie Roberson: She invoked Sen. John Glenn, who was a main driver behind the creation of the DNFSB. "The Board is essential in providing independent oversight."

Chairman Bruce Hamilton: "The primary question is whether the Order is consistent with the Atomic Energy Act. It is not." Restricting DNFSB purview "to only beyond the site fence line is not in the Atomic Energy Act." For DOE officials to testify that they don't really mean what they wrote in the Order is "bizarre."

My takeaways: The Board is fired up, and it certainly seems like public comment helps to fire them up. They're not going to fold over the Order. I think we could successfully push for more public hearings out in the field (the Board itself appears amenable to it). Myself, I want to suggest Hanford for sure (for one thing it would be good to get Washington State Senators Patty Murry and Maria Cantwell rooting for the Board).