Agenda for DNFSB’s Third Public Hearing on the Department of Energy’s Interface with the Defense Nuclear Facilities Safety Board

Albuquerque Convention Center
San Miguel Room
401 2nd St NW
Albuquerque, NM 87102
February 21, 2019

Goals:

1. Gather information from DOE Field Offices regarding DNFSB interfaces and access to information, facilities, and personnel.

SESSION 1: DNFSB interface and access to information, facilities, and personnel
5:30–7:00 pm

Objectives:

1. Discuss implementation of DOE Order 140.1 by DOE Field Offices.

2. Discuss changes in DNFSB interfaces and access to information, facilities, and personnel as a result of DOE Order 140.1.

Schedule:

5:30 pm    Chairman’s Opening Remarks    Chairman Hamilton
5:40 pm    Board Member Remarks    Board Members
5:50 pm    Seat Panel
5:50 pm    Introduce Panel    Chairman Hamilton
5:55 pm    Panel Discussion
7:00 pm    Break
**SESSION 2:** Public Comments and Wrap-up  
**7:15-9:00 pm**

- **7:15 pm** Public Comment Period
- **8:50 pm** Board Closing Remarks  
  Board Members
- **8:55 pm** Chairman's Closing Remarks  
  Chairman Hamilton
- **9:00 pm** Adjourn

**Session 1 Panelists**

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<th>Panelists</th>
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<tr>
<td>William (Steve) Goodrum</td>
<td>National Nuclear Security Administration, Los Alamos Field Office Manager</td>
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<td>Doug Hintze</td>
<td>Environmental Management, Los Alamos Field Office Manager</td>
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<td>Todd Shrader</td>
<td>Environmental Management, Carlsbad Field Office Manager</td>
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<td>Jeffery Harrell</td>
<td>National Nuclear Security Administration, Sandia Field Office Manager</td>
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<td>Chris Roscetti</td>
<td>DNFSB, Technical Director</td>
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Opening Statements by the Board

*Hamilton*: Opening statements of DNFSB mission.

Notes that the session has a live video stream and can be viewed on the DNFSB website for 60 days.

(Note that the archive video of the hearing has not been found to date on the DNFSB website and the link to the “livestream” is currently blocked by NMED IT)

*Santos*: Opening statement of how he feels the Department of Energy’s (DOE) Order 140.1 prevents/bars the DNFSB to do “good” work for the public’s health and safety.

*Connery / Roberson*: Also gave statements on the negative effect on DNFSB’s ability to do their mission.

Questions to the Panel:

*Roscetti-DNFSB TD*: From previous hearing, August 28, 2018 – “Confirm that the Order acts to diminish it’s ability...” to perform DNFSB’s mission as noted by the context of the 1954 Atomic Energy Act (AEA). The Order excludes the public to the outer boundary, limits access to information, and allows the DOE to deny access of draft or pre-decisional documents and information. He then illustrates the affect on the Nuclear Facilities with a pie chart (see enclosure) which shows that the DNFSB will only retain 29% of it’s current facility presence. The bar graph(enclosed) was displayed for Los Alamos National Laboratory (LANL), Sandia National Laboratories (SNL) and the Waste Isolation Pilot Plant (WIPP), demonstrates the reduction relative to the different facilities.
Panel Members Questions to Panelist:
From your experience, what was the relationship prior to the order and did the Order address any issues?

**Hintze-LANL:** LANL has an excellent relationship with little to no change and expects to continue the same relationship and utilize experts from numerous branches of the government to make the best decisions for their mission.

**Hamilton:** Did the Order fix anything? Was there a gap that the order fixed or create?

**Goodrum-LANL:** "...not see any fundamental change due to the Order". They still have accountability and have to have balance to make good decisions. The new order does not change the actions of the NNSA and will continue to have open communication.

**Harrell-Sandia:** The relationship is exceptional. No change due to the Order. The people involved make the difference. (He was corrected on terms to now use “Resident inspectors”)

**Connery:** Asked the Panelist the three questions listed in the handout –
1) Is the new Interface Order currently applicable to your field office employees?
2) Have you developed supplemental guidance for your field office employees, such as a procedure or training documents that describes how the Order will be implemented at your site?
3) Has the Order been added to your site’s contract?

**Goodrum-LANL:** Have conducted training for the new Order with flow down. It is in the contract with a new contractor start in November 2018 – Triad. It will be in the new contract with Triad and shared with the principals. Is it followed today, yes by Triad as a guideline until the new contract is fully in place. They do not deny access to any inspectors and always allows requested information.

**Hintze-LANL:** Training has come from several sources with senior staff and staff. It needs to implement a new document for the Interface with a new contractor (as of April 30), not in the contract as of yet. They want to assess the impact before they do a contract modification with a list of changes.

**Harrell-Sandia:** Have training documents and am training staff. Has it been added to contract? Yes. No new procedures associated with the new Order.

**Roberson:** Happy to see Sandia implementing the procedure. Very helpful and good practice for all.

**Hamilton:** Who will deny access to the DNFSB to information not determined to be functional?

**Harrell-Sandia:** Me

**Goodrum-LANL:** Comes from staff, if to deny, will check first to assure level of co-operation

**Hintze-LANL:** No

**Board Question:** If the Board has a request and the department denies it, how is this resolved?

**Harrell-Sandia:** It is difficult to answer a hypothetical question. Not see the issue to deny.

**Hamilton:** Going to stop this question due fact it is hypothetical.

**Connery:** Take the issue of the facility at LANL for infrastructure upgrades at the Plutonium (Pu) Facility. What decisions will be made?

**Goodrum-LANL:** Inside the Pu facility, there are safety controls in place. Safety documentation and verification relative to the facility which has procedures.

**Connery:** The question is about prompt decisions. How about lower level construction type decisions?

**Goodrum-LANL:** As line managers, they respond and will share to the principle of the basis of decisions. Willing to share but not until it has an internal review.

**Connery:** (She is argumentative to his responses at this point.)

**Goodrum-LANL:** Must be careful with the information.

**Santos:** to Roscetti – Timeliness of information requests to Sandia and LANL?

**Roscetti-DNFSB TD:** With formal document requests of document later than 15 days (working days), at LANL with 100 requests – 9 have been determined to be late, as delayed mostly by the previous contract. At Sandia, of the 20 requests - 9 have been late. With WIPP, the majority are late (15 requests), but most are tied to lack of available resources to fill the requests.
**Santos:** Requests are for current issues. Interactions are delayed and not communicated in a timely manner. It requires communication for technical information with the Interface.

**Goodrum-LANL:** Some information may need to be redacted if delivered too early. May come under gray areas for pre-decisional information and data. They are "...committed to provide the information requested". They will work to get the information request responded to promptly and will explain the reasons for any delay.

**Santos** to Roscetti: Are there any changes in feedback on the weekly/monthly reports since the Order?

**Roscetti-DNFSB TD:** Usually minor in nature but since the order, some data requests remove the data from the reports due to the Order.

**Santos:** How is the implementation leading to an increase in efficiency and how do you measure these savings?

**Goodrum-LANL:** More clarity on what should be shared to the DNFSB Resident Inspector. Mostly share information in real time and with a formal request, to work quickly to do this. Last 4 months has seen improvement. Fewer missing timelines unless it has been pre-decisional in nature.

**Hintze-LANL:** Not know how to track the savings. With the new contractor, this has not been addressed on a savings basis.

**Harrell-Sandia:** It is not in effect yet so not know how to track the metrics for cost savings.

**Santos:** So do you have a cost tracking data base?

**Hintze-LANL:** With 20 requests, we don’t need a complicated system to track, have to be careful of the use of “statistics” to track the request that were late. Many circumstances play into the decision due to time required.

**Santos:** “Timely”

**Roscetti-DNFSB TD:** The requests have an impact on staff work and can be limited to the staff’s schedule while working on multiple projects. Can take numerous reviews.

**Santos:** If delayed, how is this documented?

**Roscetti-DNFSB TD:** Through multiple submissions through e-mail, documents, and orally.

**Santos:** Has this affected safety?

**Roscetti-DNFSB TD:** Not generally affected.

**Santos:** Has this impacted the mission?

**Roscetti-DNFSB TD:** Minor effect for getting documents. Negligible impact on the mission.

**Roberson:** For the requests mentioned, it may not be the same things.

**Goodrum-LANL:** Need to communicate the understanding of the information requests.

**Connery:** (has long statement about pre-decisional information and the denying of access). What is necessary cost and what cost does this avoid?

**Goodrum-LANL:** At LANL, what are the numbers for cost savings and to dollars? Order says this is a case by case basis to allow latitude to make the decision. Have to investigate within a reasonable time. The issue of the start of the information chain may not be appropriate. Sometimes it is not simple to designate “pre-decisional” information.

**Connery:** This oversite versus formal review. Cost savings (~ what are they?)

**Panelist:** "Is that a question?"

**Connery:** ("On my soapbox")

**Roscetti-DNFSB TD:** Can be difficult to understand review needs and interaction to perform their work. If engaging the staff for information is too early, then the DNFSB..." may draw conclusions that may not be accurate”.

**Santos:** What is the dollar value?

**Harrell-Sandia:** It is situationally dependent.

**Roberson:** The Order is not dependent on personnel at the sites. The guidance is to go beyond, and the same issues keep coming up.
Final Questions for the Board to the Panelists

Connery: The answers today do not literally match the order. These interpretations have been heard today. (She continues long statement of DNFSB stance.)

Goodrum-LANL: The new Order will cut out uncertainty but not fundamentally change the actions with the Board as in the past decade.

Santos: Invites the panelist to remain and listen to the public comments.

13-minute break:

7:15 pm - Public Comment Period (in order as signed up):

Mr. Gilman-DNFSB General Council: Notes they have 19 members of the public signed up to comment and may only address the Board for a period of 5 minutes. Board is not here to answer questions but only so that public may make their statements. Limit of 5 minutes with a 90-second and a 30-second warning. They may submit their statements to the Board.

1) Trish Williams-Mellow: Los Alamos Study Group
   The Order limits access to DOE and contractors and limits category 3 Facilities from their oversite. This limits workers health and safety. The Order makes it where DOE is not responsible to communicate with the public as workers. “This Order is illegal”. Also noted the issue with planned LANL underground pit production which will contain a passive containment system. Cannot be a “passive” system.

2) Jay Coghlan: Nuclear Watch of New Mexico (NWNM)
   The DOE Order is illegal, and conflicts with the Board’s founding mission. Need to focus on pre-decisional data for facility construction. The cost issue at LANL for the CMR/Uranium Processing needed review as it was abandoned due to cost. NNSA pit production with chronic safety lapses need to be addressed. Order 140.1 is to “kill the messenger”. This is a “soft” lead in now and will become a much bigger issue once it is fully implemented. The DNFSB also needs to look at the Savannah River Site pit production facility construction that is being planned.

3) Scott Kovac: Nuclear Watch of New Mexico (NWNM)
   DOE/ Nuclear Regulatory Commission has sole authority over nuclear materials. All denials to the DNFSB should be posted on-line like DNFSB oversite to environmental management areas. The construction of the Order seems specific to the “Rad Lab” in LANL. The throughput of material went from 34 grams of plutonium to over 300 grams. This was constructed as a Category 2 facility who is now elevated to a Category 3. It is inappropriate to be processing a high amount of material at this facility.

4) George Anastas: Himself
   Opposed – cited his long career and multiple facets of his experience as well as familiar with other previous members of the Board. Notes issues of the 34 tons of material planned for WIPP and criticality issues at LANL. Mentioned that John Glenn would be shaking his head at the change which is planned for the DNFSB. “Hidden facts in the shadows”. He quoted the Wizard of Oz; “Pay no attention to the man behind the curtain”.

5) Joni Arrends: Concerned Citizens for Nuclear Safety (CCNS)
   Mentioned John Glenn’s contribution to the founding of the DNFSB. Request that the Board limit the Panelist to only give facts and not their opinions, not want personal opinions. Mentioned the LANL plutonium processing facility increase in material (as above) and were promised that this would never happen.

6) Don Hancock: Southwest Research and Information Center (SRIC)
   Point to the DNFSB’s good work. Good to have the additional hearings and supports more of them. Warns the Board to not be distracted and act on the Order. Requests adding DNFSB
resident inspectors at WIPP. Sites the continuing safety problems after the event and current issue which could be better addressed with the DNFSB presence. In July 2018, there were multiple exposures (Sulfur Dioxide for Diesel exhaust) at WIPP. Calls for the DNFSB to be more involved in the new shaft permit modification request. WIPP does not need a new exhaust shaft and look at the footprint at WIPP. This will affect roof bolting and facility maintenance which also affects safety in the design. Call on congress to eliminate the Order.

7) John Heaton: Carlsbad Mayor’s Nuclear Taskforce
Concerned the Order limits personnel and document access. Need independent oversite as is done by the Mine Safety and Health Administration (MSHA) as well as the DNFSB. Would be horrible to lose the DNFSB. Issues that may occur can be ignored as WIPP is a Category 2 facility and is eliminated from the oversite. Health and safety for the worker and public both off and on site is critical. DNFSB has previously pointed out areas of concern for issues that did eventually happen. Agrees that DNFSB should have access.

8) Eric Velasquez: Regional Council for LANL Communities
Expresses the uncertainty for Order 140.1 and that access can be restricted to certain sites. Request the Order is rewritten to allow necessary access as it impacts nine local communities in the Los Alamos area.

9) June Ferrill: Santa Fe Nuclear Safety Advocates Group
Supports our national labs. They are... “advocates for safety, transparency, and education”. Affects can be felt locally and any accident will have affects. The cleanup at WIPP for the “accident” cost $4 billion. Will LANL and Sandia no longer be under the DNFSB? “Speak with one voice”. “If it ain’t broke, don’t fix it”.

10) Anna Hansen: Santa Fe County Commissioner
Santa Fe gets water from LANL and many people work at LANL. The DNFSB must have access to information and needs to fulfill its statutory requirements. Thanks to Senator Heinrich and Senator Udall for their voices in this matter.

11) Dr. Stanley Rivelles: Northern New Mexico Citizen Advisory Board
Suspend Order 140.1 pending clarification to the LANL sites. There is not enough clarification and key issues have not been addressed. Concerned for workers that might be affected. Notes that senator Heinrich and Senator Udall support the labs but not this Order.

12) Susan Gordon: Herself
Was chairman for the Alliance for Nuclear Accountability for 17 years. She supports the Board and the mission but does not support this Order. She also did not approve of “opinions” being expressed.

13) Janet Greenwald: Citizens Against Nuclear Dumping (CARD)
It is false to separate the workers from the public. At WIPP, had they listened to the workers commenting about smoke coming out of the drum (this was at LANL) and just told to put the lid back on the drum, then the accident wouldn’t have happened. It is difficult for workers to come forward to the DOE. There is not a culture of openness. “See no evil, say no evil, hear no evil”. She has gotten calls from people alarmed about safety but unable to come forward. Now with this 3rd hurdle, the workers don’t feel they can speak out. Hope she can tell her granddaughter that they tried.

14) Sister Marlenne Perrot: Voices for Peace
“Nuclear Weapons and production of nuclear weapons is a sign of tremendous destruction”. DOE and the Department of Defense (DOD) cannot be self-regulating. Information should not be discretionary.
15) **Barney McGraff:** Himself  
Came to see the players, "Was I surprised!" The panelist said that there was no gap created by the Order, but the pie chart shows a reduction of 60%, so that is a gap. Asked for the number of accidents that were the result of radioactivity incidents prior to the Order and after the Order.

16) **George Jones:** Nuclear Safety Advocates  
He is a Certified Public Accountant and has used quality assurance (QA) practices for his audits. This is important to have sound QA practices. People don't die from audits but do die in the nuclear industry.

17) **Sister Joan Brown:** Franciscan Sister  
Less and less oversite and notes the powers taken away. Now, WIPP is no longer under your purview and (you) must stand firm for oversite.

18) **Leona Morgan:** Nuclear Issues Study group  
Identified as a Dine' or Navajo or "a person of color". New Mexico is severely affected by national defense programs. DOE and DOD do not care about people. The uranium mining shows racism and oppression from the nuclear colonialism. A slow genocide.

19) **Karen Boneham:** herself  
Her momma told her about the evils of the nuclear industry and how they were lied too. She didn’t know the cows and milk had strontium 90 in it. She heard the federal government during the Manhattan project had request to the tribes to keep their baby’s teeth for study. And noted the testing of nuclear material on people. Noted a reference book as "The Plutonium Files" as an important read.

Ms. Boneham was the final person who has signed up to comment. Since time remained, additional speakers were invited to address the Board.

(At this point, I left for several minutes – missed additional comments by George Anastas and one other commenter).

**Closing statements from the Board:**

**Santos:** Commitment to continue to work for public health and safety and “not be distracted by rules or orders”. They have been given the opportunity to serve and a message to all federal employees to take actions that increase the public confidence and trust.

**Connery:** Quote from the Wizard of Oz; “No place like Home”. These facilities are located near your homes and wants DOE to be good stewards. Could be unintended consequences by the Order adherence and “I don’t adhere to the Order as this is an Order for DOE”. Notes that the DNFSB has a mandate separate from DOE and this new Order.

**Roberson:** References Senator John Glenn and the reason for the Board. To provide independent oversite. “Thank you for your confidence in the Board”.

**Hamilton:** Is DOE Order 140.1 consistent with the AEA? No. Restriction of Category 3 sites is not in the AEA. Limits public health outside the boundary areas. They don’t mean what they wrote and is inconsistent. The goal of the hearing is to gather information.

This was the third of three public meetings and we heard from the managers of Sandia and LANL. Meeting ended at 9:00pm MST. Approximately 40 members of the public were in attendance.

**END.....................................**
Bruce Hamilton of Dallas, Texas, was appointed Chairman by President Trump on October 3, 2018. Initially appointed to the Board by President Obama on August 26, 2015, he has served as a Board Member, as Vice Chairman, and as Acting Chairman. Hamilton is a veteran of four decades in the nuclear energy field. Prior to his appointment to the Board, he was the president of a nuclear fuel procurement company, and preceding that he was an engineering director at a commercial nuclear power plant where he held a Nuclear Regulatory Commission Senior Reactor Operator’s license. As a U.S. Navy officer, Hamilton supervised nuclear operations in six warships, commanded a seventh, and served as the Reactor Officer for the mid-life refueling overhaul of an aircraft carrier.

A registered professional engineer in the State of Texas, Hamilton’s academic credentials include a B.S. from Texas A&M University, an M.A. from the U.S. Naval Postgraduate School, and a Ph.D. from The Fletcher School of Law & Diplomacy.
Ms. Jessie Roberson has more than 30 years of experience in the nuclear field in the public and private sectors. She has managed field operations at several Department of Energy Nuclear Plants and has served as Assistant Secretary of Energy for the Environmental Management Program in Washington, DC, where she had leadership responsibilities including operations, safety, financial, and policy across the Department of Energy's Defense Nuclear Complex. She has also served in management roles at several commercial nuclear facilities with responsibilities including plant engineering, regulatory/licensing and compliance, nuclear operations, public interface and emergency management.
Mr. Daniel J. Santos, a native of Puerto Rico, was appointed a Member of the Defense Nuclear Safety Board on December 16, 2014. Mr. Santos has over 20 years of experience in the nuclear engineering field. Prior to his appointment to the Board, he served at the Nuclear Regulatory Commission as a Senior Technical Advisor and as the Chairman of the Multinational Design Evaluation Program in the Digital Instrumentation and Controls Group. This group includes representatives from the regulatory authorities of 15 countries and International Atomic Energy Agency. Before joining the NRC he served at the U.S. Navy's Nuclear Propulsion Headquarters as a reactor controls engineer with increasing responsibilities for a variety of nuclear warships.

A registered professional engineer who also served in the Commonwealth of Virginia professional engineering licensing board, Mr. Santos' academic credentials include a B.S. from University of Puerto Rico, a M.S. from the U.S. Naval Postgraduate School, and a M.B.A. from the University of Maryland.
Ms. Joyce L. Connery, a native of Massachusetts, was appointed to the Board by President Obama in August 2015, following confirmation by Congress as a member of the Board for a term expiring October 18, 2019. Ms. Connery served as the Board’s Chair from her confirmation in August 2015 until January 2017. Ms. Connery has had an extensive career in the fields of nuclear security, safety, nonproliferation and energy policy. Ms. Connery began her career at the national laboratories, first serving in Kazakhstan working on the shutdown of the BN-350 fast breeder reactor and then returning to Washington D.C. to work in the Office of International Safety in the National Nuclear Security Administration (NNSA). She has served in several capacities at the Department of Energy, including as the senior policy advisor for the Deputy Secretary. She also served two tours in the National Security Council from February 2008 through May 2010 in the area of nonproliferation and nuclear security and then again from January 2012 through July 2015 as Director for Nuclear Energy Policy within the Office of International Economics. Ms. Connery received a B.A. and (after a two year stint with the Peace Corps in Turkmenistan) an M.A. from Tufts University.
STATEMENT OF DON HANCOCK

DNFSB Hearing in Albuquerque, NM

February 21, 2019

Members of the Defense Nuclear Facility Safety Board (DNFSB):

Thank you for having this hearing in Albuquerque. I am Don Hancock of Southwest Research and Information Center (SRIC), based in Albuquerque. SRIC is a 47-year old non-profit organization that has been involved with Department of Energy (DOE) defense nuclear facilities and many other environmental and social justice issues throughout our existence.

SRIC previously submitted written comments on DOE Order 140.1 on December 28, 2018. As stated in those written comments, SRIC also is a member of the Alliance for Nuclear Accountability (ANA) and fully supports the ANA oral and written comments of August 28 and November 28, 2018.

To reiterate, SRIC strongly agrees that DOE Order 140.1 is contrary to law and should be rescinded, that the DNFSB should operate consistently with its statutory obligations and responsibilities, and that DOE and its contractors should fully cooperate with those Board activities.

SRIC also supports congressional action to ensure that DOE Order 140.1 does not inhibit the Board’s activities at all DOE defense nuclear sites.

My further comments tonight focus on additional actions that the Board could take to enhance its activities in New Mexico.
1. I have attended previous DNFSB hearings in New Mexico, and I encourage the Board to have further field hearings here and in other states. New Mexico is the only state with three defense nuclear facilities, so the board’s activities and information are especially needed here. I also agree with Board Member Santos’ comment in his January 23, 2019 vote on the revisions to this hearing’s agenda to “support future public hearings near other defense nuclear facilities in other states.”

https://www.dnfsb.gov/sites/default/files/meeting/Board%20Vote%20to%20Finalize%20Agenda.pdf at page 7 of the PDF.

Such hearings can have several benefits, including having board members visit sites and hear comments from its staff, DOE officials, contractors, and members of the public. It’s also a way for the board to convey information to DOE and the public in addition to its resident inspector reports, monthly reports, and other means.

2. With regard to the Waste Isolation Pilot Plant (WIPP), SRIC reiterates its request in our December 28, 2018 comments that the Board increase its staff visits to the site and to strongly consider having resident inspector(s) at WIPP.

3. SRIC is especially concerned about continuing safety problems at WIPP and the inadequate responses to the 2014 fire and radiation release that could lead to additional significant events. We appreciate that DNFSB staff are identifying some problems in the monthly reports and assisting DOE to address them. But an additional indication of problems is that the DOE Office of Enterprise Assessment initiated an investigation on January 29, 2019 of Nuclear Waste Partnership regarding: “The events, occurring from July through October 2018, include multiple overexposures to hazardous chemicals, including carbon tetrachloride, nitrogen dioxide, and sulfur dioxide, as well as a series of heat-stress incidents.”


4. SRIC encourages the Board and its staff to increase its scrutiny of the proposed new WIPP shaft and underground drifts. While initially proposed as a new exhaust shaft, it is not needed for that purpose. SRIC believes that, among other things, the new shaft is another of the many past and present DOE and
contractor financial boondoggles that waste taxpayer money. But the rush to approve such projects often leads to safety problems being overlooked. We would like the board to have the staff review, among other things, whether the design would safely and adequately integrate with the existing underground footprint, how the ventilation system would ensure that existing underground contamination doesn’t spread into the new drifts and shaft, how ongoing ground control problems would be addressed in the larger underground area, the safety of the multiple evacuation locations, and whether best safety practices are being incorporated into the design.

5. The representatives of the three DOE sites in New Mexico should, orally or in writing, clearly detail how their interactions with DNFSB have changed since the issuance of DOE Order 140.1 on May 14, 2018 and any new planned procedures. If DOE officials say that there has been no change, then the Order is unnecessary and should be rescinded. However, based on SRIC’s many years of experience with DOE and its contractors and the Board staff testimony at previous hearings, SRIC believes that the Order and its implementation is leading to decreased access to DOE staff and contractors and more difficulty for DNFSB staff to get information and documents. If those difficulties are occurring, that would be contrary to federal law, as well as undermining safety of workers and the public.

Thank you very much for your efforts to maintain and increase the effectiveness of the board and its staff.
Public Hearing on the Department of Energy’s Order 140.1, Interface with the Defense Nuclear Facilities Safety Board

February 21, 2019

Session 1 – 5:30 – 7:00 pm
DNFSB interface and access to information, facilities, and personnel.

Session 2 – 7:15 pm – 9:00 pm
Public Comments and Wrap-up
Exhibit 1 – Board Concerns with Order 140.1

- The Order provides a new definition of "public health and safety" that only includes individuals located beyond site boundaries, thereby excluding onsite individuals and workers from the Board’s oversight;

- The Order provides exemptions allowing DOE to deny access to Hazard Category 3 nuclear facilities or other facilities that DOE determines do not have the potential to adversely affect offsite public health and safety;

- The Order lacks a clear provision to provide the Board with ready access to such information, facilities, and personnel as the Board considers necessary to carry out its responsibilities; and

- The Order contains an allowance for DOE to deny Board requests related to deliberative documents, pre-decisional documents, or deliberative meetings.
Exhibit 2–Staff Analysis of Candidate DOE Defense Nuclear Facilities

- Hazard Category 1 or 2 with safety class controls: 29%
- Hazard Category 1 or 2 without safety class controls: 33%
- Radiological: 23%
- On-Site Transport: 5%
- Tritium: 1%
- Hazard Category 3: 9%
Exhibit 3—Staff Analysis of Potential Impacts of Facilities at each DOE Site
Questions Regarding Field Office Implementation

1. Is the new Interface Order currently applicable to your field office employees?

2. Have you developed supplemental guidance for your field office employees, such as a procedure or training documents, that describes how the Order will be implemented at your site?

3. Has the Order been added to your site’s contract?
   - If not, when do you expect to do so?
   - Has your contractor developed any updated implementing procedures?