

# Nuclear Safety Advocates Group

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February 21, 2019

Mr. Bruce Hamilton, Chairman  
Defense Nuclear Facilities Safety Board  
Washington, D.C. 20004

Subject: Nuclear Safety Advocates Group's (NSAG's) Response to  
Request for Comment on DOE Order 140.1

Dear Chairman Hamilton and Panel Members:

Thank you for inviting me to speak at this public hearing. I lead the Santa Fe Nuclear Advocates Group (NSAG). We support our New Mexico National Laboratories and the Waste Isolation Pilot Plant (WIPP), and we want them to be the best they can be. We advocate to our legislators and to the public for four essential objectives:

- Safety within our New Mexico nuclear facilities;
- Transparency about the operation of those facilities;
- Education to develop a knowledgeable and safe workforce;
- Limiting the probability that nuclear weapons will ever be used.

Santa Fe forms a community for our National Laboratories (the Labs), and what happens at Los Alamos (LANL) and Sandia directly affects us in many ways:

- Our friends, parents, children and some of us go to work every day at Los Alamos or Sandia.
- The threat of radiation at LANL is all too real to us. When accidents occur, health can be impaired long term, and anxiety persists.
- Not only do we pay for those accidents through loss of health and well being, we pay through taxes. The 2014 WIPP accident cost taxpayers between one and two billion dollars.

Despite this money incurred for the 2014 WIPP accident and reports since of other safety violations, Order 140.1 takes WIPP off the list for oversight by the Defense Nuclear Facilities Safety Board (the Board) and seems to imply the unthinkable--that LANL and Sandia may no longer be under the Board's purview.

When there are safety issues, our community needs assurances that corrections are being made, and that requires transparency. In the past the Board provided those assurances through their reports, which we could use in advocating for legislation, for better schools, and for apprenticeships to support LANL's workforce needs.

We want to have the information available so that we, the community, can be part of needed solutions. Changes often come when the media and the public become aware of the issues and needs. The public needs to know what is happening and what is needed in order to support our nuclear facilities and to ask our elected officials to support them.

For example, NSAG wrote the 2018 New Mexico Democratic Party's Platform on nuclear safety. To do so, we used the Board's monthly reports to understand our nuclear facilities' needs. Consequently, one of the Platform's planks states that our elected officials should advocate for continued public access to nuclear safety information.

We are concerned that Order 140.1 removes that public access and transparency by limiting DNFSB's ability to obtain needed information and to communicate with others (including other experts, contractors, workers, and the media). This Order seems to require approval from DOE units for the Board to access information, attend meetings and report or speak to others.

Moreover, *it limits the Board's role to matters that lie outside of DOE site boundaries*. This limitation means that the Board, whom we've depended on since 1988, would no longer be protecting our workers' health and safety within the nuclear facilities. They would no longer be protecting our friends, children, and some of us who are in those facilities every day.

Our U. S. Senators Udall and Heinrich are also concerned and have addressed these issues, as you know.

We are concerned that Order 140.1 states that DOE should speak with one voice. Speaking with one voice means closing out divergent views. There's a great danger in not listening to workers and in not assessing all available information from various sources.

George Jones (a group member) and I taught a seminar in ethics to the National Society of Professional Engineers®. Two cases used were (1) the near disaster of a nuclear meltdown at Davis Besse Nuclear Power Station (DBSPS) and (2) the Challenger Space Program tragedy involving the failure of O-rings, resulting in that terrible loss of seven lives. In both accidents, management did not listen to others involved with the projects. The NRC "Lessons-Learned Report" on the Davis Besse incident cited these important causes: "... lack of a questioning attitude by managers" and "...the NRC failed to integrate known or available information into its assessments of DBNPS's safety performance."<sup>1</sup>

In the case of Challenger, on the night before the launch, Thiokol engineers strongly advised against launching because of a possible problem with the O-rings in colder temperatures, and Rockwell also advocated for not launching because of ice.

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<sup>1</sup> *Davis-Besses Reactor Vessel Head Degradation Lessons-Learned Task Force Report*, [www.nrc.gov/reactors/operating/ops-experience/...](http://www.nrc.gov/reactors/operating/ops-experience/...), pages vii – ix.

Management failed to act on the information and decided to launch.<sup>2</sup> Then the world watched those brave souls from high above the earth plunge into the sea.

Many of our Labs' contractors are engineers subject to the *Code of Ethics* of the National Society of Professional Engineers®. The six "Fundamental Canons" of that code include three that may be violated when an engineering professional withholds his or her own professional engineering judgment so that an organization can speak with one voice and limit public knowledge. Those canons are:

- *Hold paramount the safety, health, and welfare of the public*
- *Issue public statements only in an objective and truthful manner*
- *Avoid deceptive acts*

Information and transparency help prevent tragedies. The Defense Nuclear Facilities Safety Board offers a broader viewpoint because its members do not have the same pressures as those who worry about profits, deadlines, bonuses, or developing new programs. We in the community can feel that the Board is objective.

Those of us who live here, those of us who work at the Labs need to know what's going on with safety. We need transparency in reporting. We need an unfettered, independent watchdog with access to our labs. We need the Defense Facilities Safety Board to have its original powers restored, so that we can feel safe in educating and sending the next generation of our children to work in the Labs.

For all these reasons, we ask the Department of Energy to rescind this Order 140.1. Thank you.

Sincerely,

June Ferrill, Ph.D.  
Chairperson, NSAG

Brad DuBois    Claudette Dubois    Nancy Halvorson    George Jones  
Martha Kallejian    Barney Magrath    Renaldo Morales    Cheryl Rofer

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<sup>2</sup> "Chapter V: The Contributing Cause of The Accident," *Report of the Presidential Commission on the Space Shuttle Challenger Accident*, June 6<sup>th</sup>, 1986, Washington, D.C.  
<https://history.nasa.gov/rogersrep/511cover.htm>