

February 21, 2019

Defense Nuclear Facilities Safety Board
625 Indiana Ave NW Suite 700
Washington, DC 20004
Hearing@dnfsb.gov

Re: Public Comment about DOE Order 140.1
Restricts Access to Hazard Category 3 Facilities, such as the
CMRR Radiological Laboratory Utility and Office Building (RLUOB) at
Los Alamos National Laboratory

Dear Defense Nuclear Facilities Safety Board and Staff:

I am very concerned about DOE Order 140.1, "Interface with the Defense Nuclear Facilities Safety Board." The U.S. Department of Energy (DOE) and its contractors developed the Order without the opportunity for the Board and the public to review it and provide comments. The Board, through its oversight activities at some of the most dangerous nuclear weapons sites across the country and its reports, are some of the ways the public has access to information - for which I am extremely grateful.

But DOE's Order eviscerates the Board's access to information, facilities and personnel. Congress created the Board in 1988 after numerous disclosures about worker and public health and safety issues at DOE facilities. The Board's statutory mission is to "provide independent analysis, advice, and recommendations to the Secretary of Energy ... in providing adequate protection of public health and safety at defense nuclear facilities."

I am particularly concerned about the Order restricting access to Hazard Category 3 facilities, such as the Radiological Laboratory Utility and Office Building (RLUOB) at Los Alamos National Laboratory (LANL). LANL is the only DOE facility in the U.S. where plutonium cores, or "pits," for nuclear weapons are manufactured. Under the Order, Hazard Category 3 facilities would no longer be under the Board's purview.

Although DOE has stated at the two previous public hearings that their Order will not be implemented as written, the public must assume that Order 140.1 will be implemented unless the Order is officially withdrawn.

For example, in 2011, in response to public comments about locating nuclear weapons work into other LANL facilities than the RLUOB, DOE stated, the

RLUOB was **not** constructed to address the security and safety requirements of Hazard Category 2 or 3 levels of nuclear material. Thus, [DOE] would **not**

operate RLUOB as anything other than a radiological facility, which would significantly limit the total quantity of special nuclear material that could be handled in the building. As a result, AC [analytic chemistry] and MC [material characterization] operations requiring Hazard Category 2 and 3 work spaces **could not** be carried out in RLUOB.” [Emphasis added.] http://energy.gov/sites/prod/files/EIS-0350-FSEIS_Summary-2011.pdf, at p. S-13.

DOE then gave itself permission to increase the amount of plutonium allowed in the RLUOB from 8.4 grams (about a third of an ounce) to 400 grams (nearly a pound) – a 46-fold increase! DOE’s 2011 assurances are therefore meaningless. Due to this self-approved increase of the amount of plutonium allowed in the RLUOB, it is now a Hazard Category 3 facility. However, the RLUOB was **not** designed nor built to handle more than 8.4 grams of plutonium.

Now, seven years later, DOE Order 140.1 unilaterally prevents Board oversight of the RLUOB. Yet DOE plans to increase plutonium pit manufacturing at LANL call for increased Board oversight of LANL on behalf of the public, not less.

I urge the Board to dispute the legality of DOE Order 140.1. Now, more than ever, we need “adequate protection of public health and safety at defense nuclear facilities.” The Board’s oversight must be expanded – not eliminated.

Thank you for your careful consideration of my comments.

Sincerely,

Laura Watchempino

[Redacted signature]

Email: [Redacted email address]