

APPENDIX 4

**REQUEST FOR BOARD ACTION BY A BOARD MEMBER**

Requester: \_\_\_Jessie Roberson\_\_\_\_\_ August 19, 2019

**Brief description of Requested Action:**

I ask the Board to approve the attached proposed correspondence to the Department of Energy in response to the Department’s de facto rejection of significant parts of Recommendation 2019-1, *Uncontrolled Hazard Scenarios and 10 CFR 830 Implementation at the Pantex Plant*.

Attachments (init) \_\_\_

Summarize any time sensitive considerations:

Requestor signature \_\_\_\_\_Jessie Roberson\_\_\_\_\_ August 19, 2019

Assistant Executive secretary \_\_\_\_\_ on file \_\_\_\_\_ August 19, 2019



	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Jessie H. Roberson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Joyce L. Connery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Final Disposition Summary

Executive Secretary signature \_\_\_\_\_ on file \_\_\_\_\_ August 19, 2019



Bruce Hamilton, Chairman  
Jessie H. Roberson  
Joyce L. Connery

**DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**  
Washington, DC 20004-2901



August XX, 2019

The Honorable James Richard Perry  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Secretary Perry:

We have had the opportunity to review the Department's Implementation Plan for Board Recommendation 2019-1, *Uncontrolled Hazard Scenarios and 10 CFR 830 Implementation at the Pantex Plant* (Recommendation). The Board evaluates Implementation Plans to assure itself that the Department has fully understood any final Recommendations and that any actions the Department specifies will indeed resolve the challenges to ensuring adequate protection of public health and safety.

We find that although the Department's response on April 16, 2019 was an acceptance, the language and terms of the Implementation Plan in fact reject significant parts of the Recommendation. At this time, it remains unclear to us what specific actions the Department will take to address the Recommendation or the effectiveness of those actions. Therefore, we reaffirm Recommendation 2019-1.

As noted in the Recommendation, we evaluated the adequacy of safety controls for nuclear explosive operations at the Pantex Plant and the processes that ensure those operations have a robust safety basis. We concluded that: (1) portions of the safety basis for nuclear explosive operations at Pantex did not meet Title 10, Code of Federal Regulations, Part 830, Nuclear Safety Management (10 CFR 830); and, (2) multiple components of the process for maintaining and verifying implementation of the safety basis at Pantex are deficient. Consequently, we identified and communicated similar concerns to the National Nuclear Security Administration (NNSA) in a letter dated July 6, 2010 and though several improvement initiatives have been undertaken by NNSA's contractors since 2010, the deficiencies remain unresolved. We acknowledge that there are a number of ongoing and planned initiatives to address some of the issues in the Recommendation and look forward to reviewing the results of these efforts. It is our belief that a plan to implement the Recommendation could be completed within one year as contemplated by law [42 U.S.C. § 2286d(g)(1)].

The Honorable James Richard Perry

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We have reaffirmed the original Recommendation given that the Department has de facto rejected parts of the Recommendation. Pursuant to the process defined in 42 U.S.C. § 2286d(e), the Department is required to consider our action and make a final decision on whether to implement all or part of our Recommendation within 30 days after receiving this notice. The statute further requires that the final decision and the reasoning for such decision be published in the Federal Register and transmitted to the Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate in the form of a written report containing that decision and reasoning.

Yours truly,

Bruce Hamilton  
Chairman

c: The Honorable Lisa E. Gordon-Hagerty  
Mr. Joe Olencz

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT:** RFBA by Board Member Roberson to Submit Reply to DOE's Response to Recommendation 2019-1

**Doc Control#:** 2019-200-0021

The Board acted on the above document on 08/20/2019. The document was Approved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/20/2019
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/20/2019
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/19/2019

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

*Shelby Qualls*

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Bruce Hamilton

**SUBJECT:** RFBA by Board Member Roberson to Submit Reply to DOE's Response to Recommendation 2019-1

**Doc Control#:** 2019-200-0021

**DATE:** 08/20/2019

**VOTE:** Disapproved

**Member voted by email.**

**COMMENTS:**

The DOE Implementation Plan for Recommendation 2019-1 is a de facto rejection of parts of the Recommendation. That notwithstanding, I disapproved the Recommendation itself, for the reasons stated in my voting record, Doc#2019-200-014. Since I did not support the Recommendation, support for this correspondence would be inconsistent.

I therefore disapprove.

*Bruce Hamilton*

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**  
**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:**       **Jessie H. Roberson**

**SUBJECT:**   **Notational Vote 2019-200-021 RFBA by Board Member Roberson to Submit Reply to DOE's Response to Recommendation 2019-1**

**Doc Control#2019-200-021**

**Approved**   X             **Disapproved**                  **Abstain**       

**Recusal – Not Participating**       

**COMMENTS:**     **Below**   X     **Attached**            **None**       

**This Recommendations requires corrective action be taken for known and many already acknowledged deficiencies in the identification, maintenance and effectiveness of safety controls intended to assure adequate protection of the public at the Pantex Plant. Almost a decade of awareness has not resulted in effective and organized corrective action, therefore, I continue to support the Board's Recommendation.**

**It is the Secretary's statutory right to accept or reject in whole or in part the Board's Recommendation and it is clear from the Department's response, and statements therein, that it does not accept some significant parts of the Recommendation. While I appreciate the Department's investment of time and effort to review the Recommendation and supporting information, the enabling statue details the actions required when such circumstances arise.**

  
\_\_\_\_\_  
**Jessie H. Roberson**

August 20, 2019  
Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Joyce L. Connery

**SUBJECT:** RFBA by Board Member Roberson to Submit Reply to DOE's Response to Recommendation 2019-1

**Doc Control#:** 2019-200-0021

**DATE:** 08/19/2019

**VOTE:** Approved

**COMMENTS:**

I remain concerned that the Department has not fully appreciated the safety issues outlined in the Board's Recommendation, based on the implementation plan (IP) provided. Additionally, many of the actions proposed to address the Recommendation were contractor actions to be provided as deliverables without any federal approvals. The Department of Energy remains responsible to ensure the adequate protection of the public health and safety and to oversee any actions taken on its behalf by the contractor.

*Joyce L. Connery*