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To: Defense Nuclear Facilities Safety Board  
From: Oak Ridge Environmental Peace Alliance  
re: Public Record for October 2, 2012 Knoxville hearing

Members of the Oak Ridge Environmental Peace Alliance addressed the Safety Board at the public hearing held in Knoxville, Tennessee, on October 2, 2012. This comment is to supplement, not replace, the record of comments made in person at that time.

The Oak Ridge Environmental Peace Alliance is a grassroots group with three thousand members; we have historically addressed a broad spectrum of issues regarding the Department of Energy's operations in Oak Ridge—from environmental concerns to worker and public health and safety, from nuclear weapons policy to economic development. We appreciate the Safety Board has a narrow focus—safety at nuclear facilities, and we believe it is crucial that the Safety Board be given all the tools necessary to do its job. The public relies on you, in the absence of any semblance of public accountability by the NNSA, to hold NNSA accountable for safety in Oak Ridge.

The focus of the October 2, 2012 hearing in Knoxville was the Uranium Processing Facility proposed for construction at the Y12 National Security Complex in Oak Ridge. Just before the hearing, the public learned the hearing would be contracted, with a portion of it deferred to a future time, to allow a sharper focus on safety issues related to the design of the UPF. At the hearing, it became apparent that the "space/fit" issue was the reason for the shift in priorities. OREPA does not disagree with the decision to narrow the focus of the hearing, but we do hope the Safety Board will return to take up the deferred portion of the originally announced public hearing.

At the October 2 hearing, the Safety Board asked several questions that went unanswered; NNSA or B&W Y12 officials took the questions "for the record." In the case of one of the most important questions—What went wrong?—the answer was promised "in three weeks" (or "21 days," or on "October 20"). Other questions—What markers will be used to evaluate safety in ongoing operations? Are you confident you can control risks moving forward?—were also taken for the record.

Questions about the Saltless Direct Oxide Reduction technology and the schedule for design completion were likewise deferred.

It is of great concern to OREPA that these questions, at least some of them, remain unanswered more than three months after the hearing. Operations in deteriorating facilities and insufficient attention to safety concerns in plans for new facilities mean the same thing to the public—increased risk. We believe the NNSA's failure to provide answers in a timely manner—whether they *can't* answer, or whether they *won't* answer—is indicative of a disregard for accountability obligations and demonstrates a failure of management.

This latter issue—a failure of management—is a growing concern for OREPA. The issue first identified by the General Accounting Office and subsequently repeated in recent reports and testimony, bolstered by findings by the Department of Energy's Office of Health, Safety and Security, the DOE Inspector General, as well as the DNFSB, raises a significant question about the management capacity of the NNSA to safely conclude the UPF Project.

We urge you to press this question, raised at the outset of the October 2 hearing when Chairman Winokur sought to clarify lines of responsibility among the management personnel assembled on the panel. At first glance, questions about the overall management capacity of NNSA may appear to fall outside the purview of the DNFSB. But we believe even the most conservative reading of the mandate of the DNFSB to provide safety oversight will recognize the safety implications of the management deficiencies in evidence with the UPF design project. It was management at the contractor level (B&W Y12) that took a decision not to prepare the PSDR as required and management at the government level (NNSA) that let them get away with it, overriding the legitimate concerns of the Safety Board and the public. It was management (or lack of it) that allowed the design project to approach 70% completion before the "space/fit issue" was identified. It is management that is failing to provide timely answers to straightforward questions from the Safety Board.

At the October 2 hearing, the Safety Board asked good questions about the impacts of a contract transition on the UPF. You did not get good answers. On the very same day the space/fit issue was publicly announced, the Safety Board was told, as though it were reassuring, that no matter what happens with the NPO contract, the same management team will remain in place.

OREPA believes the questions posed by the Safety Board members at the October 2 hearing in Knoxville were important and deserve full answers. We believe the decision to defer scope for a portion of UPF operations carries the seeds of disaster within it—from both a safety and an economic standpoint—and we urge you to press your questions.

The pressures on B&W Y12 and NNSA to move the UPF project forward—from mission requirements to the need to spend money allocated, from a sense of urgency about getting out of Building 9212 to the obligations of safety requirements, complicated by the pending contract decisions—creates a perfect storm. Given the reluctance of Tennessee's Congressional delegation to engage in any meaningful exercise of accountability, it falls to the Safety Board to be the meteorologist as the storm begins to swirl about us.

We who live in the shadow of the Oak Ridge facilities rely on you because we have no where else to turn—neither the Inspector General's office nor our Senators even deign to reply to our requests for attention to concerns. We hope the Safety Board will continue to press for answers and will continue to make those answers available to the public as you have in the past. You represent the best of what it means to have transparent government.

Submitted by

A handwritten signature in black ink, appearing to read "Ralph Hutchison", with a long horizontal flourish extending to the right.

Ralph Hutchison, coordinator  
Oak Ridge Environmental Peace Alliance