

APPENDIX 4

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Board Member Bruce Hamilton May 23, 2016

Brief description of Requested Action: The technical staff is directed to postpone any activity regarding toxicological consequences at the Uranium Processing Facility which involve Department of Energy employees or contractors until it has been determined, through an affirmative Board notational vote, that the topic is within the jurisdiction of the DNFSB.

Attachments (init) _____ (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations:

Requestor signature _____ on file _____ May 23, 2016

Assistant Executive secretary _____ on file _____ May 24, 2016

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICPATING	COMMENT	DATE
Joyce L. Connery	<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"/>	_____
Sean Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Daniel J. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bruce Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Final Disposition Summary						

Executive Secretary signature _____ [Click here to enter a date.](#)

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF

Doc Control#2016-300-008

The Board, with Board Member(s), Sean Sullivan, Bruce Hamilton *approving*, Board Member(s) Joyce L. Connery, Jessie H. Roberson, Daniel J. Santos *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, have voted to disapprove on June 1, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/01/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	05/31/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/31/16
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	05/31/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	05/31/16

*Reason for Not Participating:

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



Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

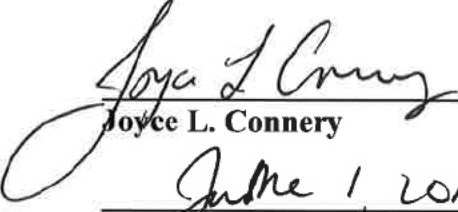
SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF

Doc Control#2016-300-008

Approved _____ Disapproved Abstain _____
Recusal - Not Participating _____

COMMENTS: Below Attached _____ None _____

I am voting against this action as I believe the Board has opined on the jurisdictional issue of Uranium toxicology both during the vote on the work plan as well as in Board action #2016-064. I would like to see the results from the staff review to make any further determinations with regards to this instance of uranium toxicological consequence at UPF.



Joyce L. Connery
Date June 1, 2016

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF

Doc Control#2016-300-008

Approved _____

Disapproved

Abstain _____

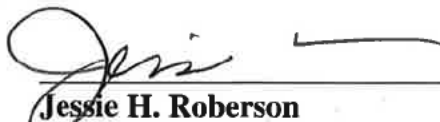
Recusal – Not Participating _____

COMMENTS:

Below _____

Attached _____

None



Jessie H. Roberson
May 31, 2016

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF

Doc Control#2016-300-008

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

Recusal – Not Participating

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

The request seeks a delay in staff activity directed towards potential toxicological consequences at the new Uranium Processing Facility currently under design by NNSA contractors. The request seeks an affirmative vote of the Board finding the topic to be within our jurisdiction as a condition for proceeding with such activity.

I agree with Board Member Hamilton that the Board should carefully consider the issue of our jurisdiction before permitting our staff to proceed. I have recently learned of a planned mid-June review by our staff of the UPF project team's toxicological materials consequence analysis. In preparation for the review, our staff has requested from the project team various information, including an explanation as to why the project team intends to invoke certain DOE limits instead of the toxicological limits of the American Industrial Hygiene Association, a breakdown of toxicological material-at-risk by chemical compound type to include how that breakdown would be altered if materials burn in a fire, and a justification for the selection of certain factors used in an eight factor mathematical formula for estimating threshold (i.e., "safe") material-at-risk values.

Even a cursory look at the agenda sent by our staff to the UPF project team makes clear that a great deal of effort will be required by the project team to meet the demands of our staff. We should carefully consider whether it is prudent for our agency to demand such work of a contractor funded by another agency. While our statute requires us to advise the Secretary of Energy during the design of a new facility should we find changes are needed to ensure the adequate protection of the public health and safety, the statute only requires us to render advice "within a reasonable time" before construction begins. Construction is at least 15 months away, therefore the staff's planned review is not yet time-critical.

Regarding our jurisdiction, I urge careful consideration by the Board. I believe that our statute limits us to advising on nuclear safety issues. *Any* hazard at a defense nuclear facility could lead to a nuclear safety issue, but clearly there are some that we categorically avoid as outside our jurisdiction (e.g., security hazards). Meanwhile, there are some defense nuclear facilities that we pay little attention to because the nuclear safety hazard is not significant (e.g., the National Ignition Facility), and because we do not concern ourselves with that facility we might never learn of the presence of a new toxicological hazard. Most curiously, at the Hanford tank farms workers are currently complaining of illness brought on by exposure to chemical vapors, yet the staff has not conducted any independent analysis of that alleged hazard. Thus we appear to be interested in a review of toxicological hazards at a facility that will not operate for the better part of the next decade, whilst we keep our distance from complaints of toxicological hazards arising at a current facility.

I do not mean to imply that we should be conducting security reviews, or that more robust oversight of NIF is warranted, or that we should suddenly get knee-deep in tank farm vapors. I merely suggest that the jurisdiction question is more vexing than it might appear at first blush. In light of the work we are likely generating for the UPF design team and, further, in light of the time available prior to the start of UPF construction, the vexing question deserves careful consideration. I therefore support the request.



Sean Sullivan

5/31/16

Date

Shelby Qualls

From: Daniel J. Santos
Sent: Tuesday, May 31, 2016 5:14 PM
To: Shelby Qualls; Lotus Smith
Subject: RE: Notational Vote Doc#2016-300-008, Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF - BLUE FOLDER

Disapproved without comments.

From: Shelby Qualls
Sent: Tuesday, May 31, 2016 11:20 AM
To: Mark Welch <[REDACTED]>; James Biggins <[REDACTED]>; Neysa Slater-Chandler <[REDACTED]>; Steven Stokes <[REDACTED]>; Katherine Herrera <[REDACTED]>; Nora Khalil <[REDACTED]>; Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>
Cc: Lotus Smith <[REDACTED]>; Shelby Qualls <[REDACTED]>
Subject: Notational Vote Doc#2016-300-008, Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF - BLUE FOLDER

This email is an electronic record of Notational Vote. Voting ballot will follow shortly. Also, accepting electronic votes.

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

FROM: Members of the Board
SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF

DOC# 2016-300-008

Office Directors have provided their input.

Approved_____
Disapproved_____
Abstain_____
Recusal – Not Participating_____

COMMENTS:
Below_____
Attached_____
None_____

Shelby Qualls
Assistant Executive Secretary
Office of the Chairman

Shelby Qualls

From: Bruce Hamilton
Sent: Tuesday, May 31, 2016 2:49 PM
To: Shelby Qualls; Lotus Smith
Subject: RE: Notational Vote Doc#2016-300-008, Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF - BLUE FOLDER

I approve.
I have no comments.

Bruce Hamilton
Global cell & text: [REDACTED]

From: [Shelby Qualls](#)
Sent: 5/31/2016 11:19
To: [Mark Welch](#); [James Biggins](#); [Neysa Slater-Chandler](#); [Steven Stokes](#); [Katherine Herrera](#); [Nora Khalil](#); [Bruce Hamilton](#); [Daniel J. Santos](#); [Jessie Roberson](#); [Joyce Connery](#); [Sean Sullivan](#)
Cc: [Lotus Smith](#); [Shelby Qualls](#)
Subject: Notational Vote Doc#2016-300-008, Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF - BLUE FOLDER

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

FROM: Members of the Board
SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct Tech Staff to Postpone Activity re Toxicological Consequences at UPF

DOC# 2016-300-008

Office Directors have provided their input.

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:
Below _____
Attached _____
None _____

Shelby Qualls
Assistant Executive Secretary