

28 AUGUST 2018

**TO: ACTING CHAIRMAN HAMILTON
DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

FROM: CAPT JOHN W. CRAWFORD JR. USN (RET)

SUBJECT: DOE ORDER 140.1, INTERFACE WITH THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

- 1. PLEASE ASK THE DEPARTMENT OF ENERGY THE QUESTIONS ATTACHED.**
- 2. THEY REFLECT IN PART MY EXPERIENCE AS FOLLOWS:**

- **MS NUCLEAR PHYSICS, MIT**
- **NAVAL NUCLEAR PROPULSION PROGRAM (~12 YEARS) INCLUDING ASSIGNMENTS AS DEPUTY MANAGER, NAVAL REACTORS AEC.**
- **CIVILIAN NUCLEAR POWER PROGRAMS OF AEC & DOE (~10 YEARS) INCLUDING ASSIGNMENT AS DEPUTY ASSISTANT SECRETARY OF NUCLEAR ENERGY, DOE.**
- **BOARD MEMBER DNFSB (7 YEARS)**

*John W. Crawford Jr.
CAPT USN (Ret.)*

ATTACHMENT

- 1. The Board is authorized by its enabling statute to ask DOE contractors (including the Design Agencies) nuclear safety related questions and receive prompt answers. ("Each contractor operating a Department of Energy defense nuclear facility under a contract awarded by the Secretary shall...fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information of the contractor as the Board considers necessary to carry out its responsibilities.") Does not DOE Order 140.1 thwart or hamper the Board's ability to receive answers promptly? How might DOE justify such delay?**
- 2. Was it not the intent of Congress that the Board protect public health safety by providing independent, external continuing oversight of the activities at DOE's defense nuclear facilities, e.g., production plants, national laboratories? Are the provisions of DOE Order 140.1 consistent with this intent?**
- 3. Would not the provisions of DOE Order 140.1 as written require a change in the law established the Board prior to implementation?**
- 4. Did DOE consult with the appropriate Committees of Congress or their Members before issuing DOE Order 140.1? If so, what guidance did Congress provide?**
- 5. DOE Order 140.1 requires that a person requesting information can be denied it if he/she does not need it in connection with his duties. ("Requested information...[has] a reasonable relationship to the functions of the DNFSB") Does this apply to Board? Who is authorized to judge whether this relationship is reasonable?**

6. The Law that established the Board was accompanied by Report directing the Board to "raise the level of technical expertise in DOE substantially..." Has this been done? if not, why not?

7. Section 3166 of the Fiscal Year 2013 National Defense Authorization Act established the Congressional Advisory Panel on the Governance of Nuclear Security Enterprise, which was headed by Mr. Norman Augustine and Admiral Richard Mies. Did not the Panel's report imply lack of technical competency still existed within DOE's nuclear weapons enterprise?