

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

Requester: Sullivan June 21, 2016

Brief description of Requested Action: The technical staff is directed to postpone for the remainder of FY16 any activity regarding toxicological consequences at the Low Activity Waste (LAW) Facility. In particular, the staff is directed to postpone activity associated with potential toxicological hazards identified in the LAW Design and Operability (D&O) Report. The bounding *unmitigated* radiological dose consequences to the public and the co-located workers from postulated accidents at LAW are predicted to be well below DOE's evaluation guidelines. The delay will permit the Board to determine through the annual work plan process an appropriate staff priority to place on issues related to toxicological consequences at the LAW.

Attachments (init) none (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations: none.

Requestor signature \_\_\_\_\_ June 21, 2016

Executive secretary \_\_\_\_\_ June 21, 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 Sean Sullivan; Direct Technical Staff to Postpone for the Remainder of FY16 any Activity Regarding Toxicological Consequences at the Low Activity Waste (LAW) Facility**

**Doc Control#2016-300-014**


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 *recusing*, have voted to disapprove the above document on June 24, 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 type="checkbox"/>	06/24/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/23/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/23/16
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/23/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/21/16

\*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.

  
Assistant 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, Sean Sullivan;  
Direct technical staff to postpone for the remainder of FY16 any activity  
regarding toxicological consequences at the Low Activity Waste (LAW)  
Facility

**Doc Control# 2016-300-014**

Approved \_\_\_\_\_

Disapproved  \_\_\_\_\_

Abstain \_\_\_\_\_

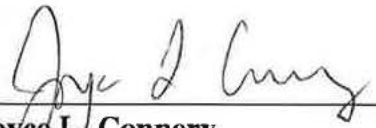
Recusal - Not Participating \_\_\_\_\_

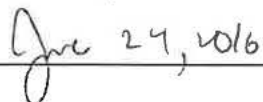
**COMMENTS:**

Below \_\_\_\_\_

Attached \_\_\_\_\_

None  \_\_\_\_\_

  
\_\_\_\_\_  
Joyce L. Connery

  
\_\_\_\_\_  
Date

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

**FROM:** Jessie H. Roberson

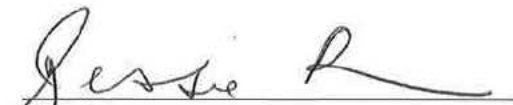
**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan;  
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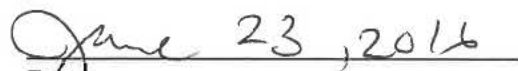
**Doc Control# 2016-300-014**

Approved \_\_\_\_\_ Disapproved  Abstain \_\_\_\_\_

Recusal - Not Participating \_\_\_\_\_

**COMMENTS:** Below \_\_\_ Attached \_\_\_ None

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

  
\_\_\_\_\_  
Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Sean Sullivan

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan;  
Direct technical staff to postpone for the remainder of FY16 any activity  
regarding toxicological consequences at the Low Activity Waste (LAW)  
Facility

Doc Control# 2016-300-014

Approved   X                        Disapproved                             Abstain       

Recusal – Not Participating       

**COMMENTS:**      Below   X        Attached                             None       

As stated in the request, I seek a delay in staff activity related to the design of the Low Activity Waste facility at the Hanford Waste Treatment and Immobilization Plant. The staff is currently tracking a number of potential design deficiencies related to the control of toxicological hazards. The question presented is whether this expenditure of our staff resources is an appropriate priority for our agency. The request seeks a delay in order to have a more thorough review of agency priorities by the Board during our consideration of the FY17 work plan. The Low Activity Waste facility is not scheduled to operate until the year 2022, thus the requested delay is not significant.


I believe that the expenditure of our resources in this instance – with a corresponding expenditure on the part of DOE and its contractors who must respond to our staff – is not an appropriate use of resources. The Atomic Energy Act directs us to “review the design of a new Department of Energy defense nuclear facility before construction of such facility begins and shall recommend to the Secretary, within a reasonable time, such modifications of the design as the Board considers necessary to ensure adequate protection of public health and safety.” The phrase ‘adequate protection of the public health and safety’ has traditionally been limited to *radiological* hazards. In *New Hampshire v. Atomic Energy Commission*, 406 F.2d 170 (1st Cir. 1969) the Court expressly considered the question and determined that Congress wrote the statute having only in mind the special hazards of radioactivity. Current analysis of the Low Activity Waste facility concludes that for every conceivable accident the radiological dose consequences will be at least one order of magnitude below DOE’s evaluation guidelines, and in most cases more than one order of magnitude below guidelines. Moreover, these estimates assumed no mitigation of any kind. This raises the question why the DNFSB should concern

ARCHIVE: Doc#2016-300-014, Request for Board Action by Board Member Sean Sullivan;  
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itself at all with the design of the facility. Absent analysis by our staff that reveals a potential for significant radiological dose consequences at the Low Activity Waste facility that might be triggered by a toxicological or other industrial accident, I see no reason to further investigate the design.

It is true that workers at the facility could be injured by a toxicological hazard. But it equally true that a worker could be injured by falling down the stairs if the handrail is not properly designed and constructed to meet building codes. The mere fact that someone could be injured at a defense nuclear facility does not by itself make the hazard a radiological hazard.

The Board should consider what hazards other than radiological hazards are appropriate areas for staff inquiry. I urge my fellow Board Members to consider that question during the formulation of the FY17 work plan, and I further urge the delay of staff activity related to the Low Activity Waste facility until we have had the opportunity to consider the question.



Sean Sullivan

6/23/16

Date

**Shelby Qualls**

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**From:** Daniel J. Santos  
**Sent:** Thursday, June 23, 2016 4:56 PM  
**To:** Lotus Smith; Shelby Qualls  
**Subject:** RE: Notational Vote: Doc#2016-300-014 Request for Board Action by Board Member, Sean Sullivan; Direct technical staff to postpone for the remainder of FY16 any activity regarding toxicological consequences at the Low Activity Waste (LAW) Facility

Disapproved with the following comment:

I look forward to the staff's focused review of hazards at the Low Activity Waste Facility as the staff's conclusions can inform other ongoing oversight activities, such as safety culture assessments.

**From:** Lotus Smith  
**Sent:** Tuesday, June 21, 2016 12:11 PM  
**To:** Steven Stokes <[REDACTED]>; James Biggins <[REDACTED]>; Mark Welch <[REDACTED]>; Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>  
**Cc:** Shelby Qualls <[REDACTED]>; Nora Khalil <[REDACTED]>; Lotus Smith <[REDACTED]>; Katherine Herrera <[REDACTED]>  
**Subject:** Notational Vote: Doc#2016-300-014 Request for Board Action by Board Member, Sean Sullivan; Direct technical staff to postpone for the remainder of FY16 any activity regarding toxicological consequences at the Low Activity Waste (LAW) Facility

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, Sean Sullivan; Direct technical staff to postpone for the remainder of FY16 any activity regarding toxicological consequences at the Low Activity Waste (LAW) Facility

**DOC#2016-300-014**

Office Directors are copied and should provide input, if applicable.

Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Abstain \_\_\_\_\_  
Recusal – Not Participating \_\_\_\_\_

**COMMENTS:**  
Below \_\_\_\_\_  
Attached \_\_\_\_\_  
None \_\_\_\_\_

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

**FROM:** Bruce Hamilton

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan;  
Direct technical staff to postpone for the remainder of FY16 any activity  
regarding toxicological consequences at the Low Activity Waste (LAW)  
Facility

**Doc Control# 2016-300-014**

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Recusal - Not Participating \_\_\_\_\_

**COMMENTS:** Below \_\_\_\_\_ Attached \_\_\_\_\_ None

  
Bruce Hamilton

21 JUNE 2016

Date