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DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
Third Public Hearing  
Department of Energy's Interface with the  
Defense Nuclear Facilities Safety Board

TRANSCRIPT OF PROCEEDINGS  
February 21, 2019  
5:30 p.m.  
Albuquerque Convention Center  
401 2nd Street, Northwest  
Albuquerque, New Mexico

REPORTED BY: Mary Abernathy Seal, RDR, CRR, NM CCR 69  
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A P P E A R A N C E S

BOARD MEMBERS:

BRUCE HAMILTON, Chairman  
JESSIE ROBERSON  
JOYCE L. CONNERY  
DANIEL J. SANTOS

DNFSB GENERAL COUNSEL:

JOSEPH GILMAN, Associate General Counsel

PANELISTS:

WILLIAM (STEVE) GOODRUM  
DOUG HINTZE  
JEFFERY HARRELL  
CHRIS ROSCETTI

1 CHAIRMAN HAMILTON: Good evening. My name  
2 is Bruce Hamilton, and I'm the chairman of the  
3 Defense Nuclear Facilities Safety Board. I will  
4 preside over today's public hearing.

5 I now call this hearing to order. I would  
6 like to introduce my colleagues on the Board. To my  
7 right is Board Member Joyce Connery. Next to  
8 Ms. Connery is Board Member Jessie Roberson. To my  
9 left, Board Member Daniel Santos. We four  
10 constitute the Board.

11 The Board's associate general counsel,  
12 Mr. Joseph Gilman, is seated to my far right.  
13 Several members of the Board staff closely involved  
14 with the oversight of the Department of Energy's  
15 defense nuclear facilities are also here.

16 I would also like to give a special --  
17 thank you. I'd also like to call out -- to thank  
18 Councilwoman Sara Scott from the Los Alamos County  
19 Council and Commissioner Anna Hansen from the Santa  
20 Fe County Commission's Office for joining us here  
21 today.

22 We also have several members of the United  
23 States senatorial and congressional staffs. So  
24 Mr. Eric Castillo from Senator Heinrich's staff;  
25 Mr. Greg Seeley, from Congresswoman Haaland's

1 office, and Mr. Bill Woldman from Senator Udall's  
2 office. So thank you all for being here today and  
3 showing interest.

4 This hearing is the third of three public  
5 hearings planned by the Board to gather information  
6 regarding the objectives and implementation of DOE  
7 Order 140.1, Interface with the Defense Nuclear  
8 Facilities Safety Board. The first hearings were in  
9 August and November of 2018 in Washington, D.C.

10 Specifically, the goals for today's  
11 hearing are to gather information from DOE field  
12 offices regarding the implementation of Order 140.1  
13 and to hear from interested members of the public.

14 The Board's enabling legislation,  
15 contained within the Atomic Energy Act of 1954, as  
16 amended, defines this agency's authorities,  
17 responsibilities, functions, and organizational  
18 structure. The enabling legislation assigns  
19 responsibilities to the Secretary of Energy in his  
20 role as the owner and regulator of the Department's  
21 complex of sites and facilities regarding  
22 cooperation with the Board and providing the Board  
23 with, quote, "ready access to such facilities,  
24 personnel, and information as the Board considers  
25 necessary to carry out its responsibilities."

1           The Order that is the topic of today's  
2 hearing is the primary vehicle that the Department  
3 uses to implement the Secretary's responsibilities  
4 for cooperation with the Board. Prior to May of  
5 2018, the interface between us was implemented by a  
6 manual, a lower level of Department directive that  
7 was developed through close cooperation between our  
8 two agencies. The new Order did not receive that  
9 same level of close cooperation during its  
10 development. Because of the fundamental changes  
11 introduced in the Order, the Board voted to hold  
12 this public hearing to discuss implementation of  
13 those changes with the field office managers.

14           In the first session today, the Board will  
15 hear testimony from the managers of the National  
16 Nuclear Security Administration's Los Alamos and  
17 Sandia Field Offices, as well as the Office of  
18 Environmental Management's Los Alamos Field Office.  
19 In addition, the Board's technical director will  
20 participate to provide the perspective of the  
21 Board's staff.

22           I regret that the previously confirmed  
23 representative from the Office of Environmental  
24 Management's Carlsbad office will not be able to  
25 attend, due to unforeseen personal circumstances.

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1           Questions that we have prepared for  
2 Mr. Todd Shrader at Carlsbad will be forwarded to  
3 him to reply for the record.

4           This evening's hearing was publicly  
5 announced on January 25, 2019, on the Board's public  
6 website, and was subsequently noticed in the Federal  
7 Register on February 5. In order to ensure accurate  
8 and timely information for the public, this hearing  
9 is being recorded through verbatim transcript, video  
10 recording, and live video streaming. The  
11 transcript, associated documents, public notice, and  
12 video recording will be available for viewing at our  
13 public website. The video recording will be  
14 available through our website for at least 60 days.

15           Per the Board's practice and as stated in  
16 the agenda, we will welcome comments from interested  
17 members of the public at approximately 7:15. A list  
18 of those speakers who have contacted us is posted at  
19 the entrance to this room. We have generally listed  
20 the speakers in the order in which they contacted us  
21 or, if possible, when they wished to speak.  
22 Mr. Gilman will call the speakers in this order and  
23 ask that speakers state their name and organization,  
24 if any, at the beginning of their presentation.

25           There is also a table at the entrance to

1 this room with a signup sheet for members of the  
2 public who wish to provide comment but did not have  
3 an opportunity to notify us ahead of time. They  
4 will follow those who have already registered with  
5 us in the order in which they have signed up.

6 To give everyone wishing to make a  
7 presentation an equal opportunity, we ask that  
8 speakers limit their comments to five minutes. If  
9 there's additional time at the end, I will give  
10 consideration for further comments.

11 Information should be limited to comments,  
12 technical information, or data concerning the  
13 subject of this public hearing. The Board members  
14 may question anyone providing comments to the extent  
15 deemed appropriate. However, the Board members  
16 themselves will not be obliged to respond to  
17 questions. Any questions generated by the public  
18 will be taken for the record.

19 The record of this hearing will remain  
20 open until March 21, 2019. Until that date, members  
21 of the public, including those observing today's  
22 hearing live via video streaming, may submit a  
23 written statement to the Board to be included in the  
24 record. Contact information for submitting a  
25 statement can be found at [www.DNFSB.gov](http://www.DNFSB.gov). We reserve

1 the right to further schedule and regulate the  
2 course of any hearing; to recess, reconvene,  
3 postpone, or adjourn any proceeding; and to  
4 otherwise exercise its authority under the Atomic  
5 Energy Act of 1954 as amended.

6 This concludes my opening remarks. I will  
7 now turn to my fellow Board members for their  
8 opening remarks. Mr. Santos.

9 BOARD MEMBER SANTOS: Thank you,  
10 Mr. Chairman. Fellow Board members, distinguished  
11 officials, hearing witnesses, and members of the  
12 public. It is good to be back to New Mexico, and I  
13 want to thank the great people of New Mexico for  
14 hosting us and providing us with this opportunity to  
15 continue our series of hearings regarding interfaces  
16 between the Defense Nuclear Facilities Safety Board  
17 and the Department of Energy, but more importantly,  
18 for the opportunity to come and listen directly to  
19 your perspectives.

20 I want to thank my fellow Board members  
21 and the entire staff of the Defense Nuclear  
22 Facilities Safety Board for supporting this hearing  
23 here in New Mexico and for all the preparations.  
24 And I'm proud to note that the Defense Nuclear  
25 Facilities Safety Board is celebrating its 30 years'



1 anniversary. Thirty years since Congress  
2 established the important functions of the Board  
3 where we were given the responsibility of providing  
4 recommendations, independent analysis, and advice  
5 regarding public health and safety at Department of  
6 Energy defense nuclear facilities.

7           The Defense Nuclear Facilities Safety  
8 Board is unique in that we are independent from the  
9 Department of Energy and that our mandate focuses on  
10 public health and safety. While we are not a  
11 regulator, we help provide public confidence that  
12 the programs of the Department of Energy execute  
13 their important operational missions safely and that  
14 they do not become complacent in their  
15 responsibilities to protect the American people,  
16 including its work force, against undue risk in the  
17 activities performed at DOE defense nuclear  
18 facilities.

19           The Defense Nuclear Facilities Safety  
20 Board's ability to provide effective oversight,  
21 public confidence, transparency, and accountability  
22 is directly linked to our ability to maintain a  
23 strong and productive relationship with the  
24 Department of Energy. The Board needs to be able to  
25 continue to have meaningful, complete, and timely

1 interactions with the Department of Energy because  
2 the Department of Energy decision-makers should be  
3 equipped and given the most complete and timely  
4 information, especially on matters that could impact  
5 public health and safety.

6 I agree with the Department of Energy's  
7 leadership's drive to ensure that the lines of  
8 responsibility and accountability on safety matters  
9 are clearly established between our two agencies. I  
10 also understand the Department of Energy's desire to  
11 update outdated predecessor manuals dictating some  
12 of our interfaces. However, there are better ways  
13 to achieve those goals in a more collaborative  
14 manner and without creating real and perceived  
15 issues with some of the language described in Order  
16 140.1. What I have learned since the publication of  
17 the Order is that the Order has not improved or  
18 instilled public confidence on the Department of  
19 Energy and the DNFSB shared goals regarding public  
20 health and safety, especially when confusion is  
21 introduced via new and different interpretations of  
22 who is and who isn't and constitutes a member of the  
23 public.

24 Furthermore, I am concerned that Order  
25 140.1 has become an unfortunate and bureaucratic

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1 distraction from our real work that is the public  
2 health and safety. I look forward to the witness  
3 testimony and public comments.

4 This concludes my opening remarks. Thank  
5 you.

6 CHAIRMAN HAMILTON: Thank you, Mr. Santos.  
7 Board Member Connery.

8 BOARD MEMBER CONNERY: Thank you,  
9 Mr. Chairman. Thank you, Mr. Santos, for your  
10 excellent opening remarks. I don't have prepared  
11 opening remarks. I just wanted to say thank you for  
12 everybody who came out tonight to this public  
13 hearing, and thank you to our witnesses. I know you  
14 all have important work to do, but I don't think  
15 that there's anything more important than looking at  
16 the fundamental issues surrounding the Order 140 and  
17 the basis of our relationship as it relates to  
18 public health and safety as so eloquently  
19 articulated by my colleague.

20 For those of you who have been watching  
21 this series of hearings, this may be a little bit  
22 redundant for you, in that we have -- still have the  
23 same questions we had in our first hearing, in  
24 August, and our second hearing, in November, and  
25 those questions still remain today, which is: What

1 is the purpose of some of the changes in the Order,  
2 and how does it help? So hopefully -- it was  
3 important to us to hear from field managers  
4 directly, as they're the ones most directly  
5 associated with the work of the Department of  
6 Energy. And then, more importantly, it was  
7 important to us to go to the field and hear from the  
8 public, those who are directly affected by the  
9 decisions that are taken by the Department of  
10 Energy.

11           So I appreciate that the public is coming  
12 out tonight, and I hope that you will take this  
13 opportunity to share your views with us and, more  
14 importantly, to share them with the Department of  
15 Energy, because this forum is important for that  
16 purpose. Thank you.

17           CHAIRMAN HAMILTON: Thank you,  
18 Ms. Connery.

19           Board Member Roberson.

20           BOARD MEMBER ROBERSON: Thank you,  
21 Mr. Chairman.

22           First of all, I want to thank those  
23 members of the public and to local and federal  
24 elected offices that have come out. To all our  
25 witnesses, I look forward to hearing from the

1 witnesses. And I look forward to hearing from  
2 members of the public. And I don't think I can  
3 embellish any better the statements already rendered  
4 by my fellow Board members. Thank you.

5 CHAIRMAN HAMILTON: Thank you,  
6 Ms. Roberson.

7 At this time, I would like to formally  
8 introduce the panel for the first session.  
9 Mr. Steve Goodrum is the National Nuclear Security  
10 Administration field office manager for Los Alamos  
11 National Laboratory. Mr. Doug Hintze is the  
12 environmental management field office manager from  
13 Los Alamos. And Mr. Jeffrey Harrell is the NNSA  
14 field office manager for Sandia National  
15 Laboratories.

16 Also on the panel we have Mr. Christopher  
17 Roscetti, our technical director here at the Safety  
18 Board. We're pleased to have all of you here with  
19 us today.

20 Before we begin our line of questionings,  
21 I'll offer you the opportunity if you have any  
22 introductory remarks you'd like to make.

23 Okay. Hearing none, we will proceed with  
24 the line of inquiry we had, and I will start off by  
25 asking Mr. Roscetti: Would you please summarize for

1 everyone the first two public hearings that the  
2 Board held regarding DOE Order 140.1? And in your  
3 response, would you also discuss the recent  
4 correspondence between the Board and the Department  
5 of Energy regarding the Interface Order?

6 MR. ROSCETTI: Yes, sir. On August 28,  
7 2018, the Board held its first public hearing  
8 concerning DOE Order 140.1. Deputy Secretary  
9 Brouillette provided the statement. Mr. Matt Moury  
10 of the Department of Energy Office of Environment,  
11 Health, Safety, and Security; Mr. Ike White of the  
12 National Nuclear Security Administration, and I  
13 responded to Board member questions on the  
14 development, content, implementation, and impacts of  
15 the new Order. In addition, the Board heard  
16 comments from several public stakeholders who all  
17 expressed concern with the Order.

18 Following the first public hearing, the  
19 Board sent a letter to the Secretary of Energy  
20 regarding Order 140.1 dated September 17, 2018. The  
21 Board stated that the first public hearing confirmed  
22 the Board's, and I quote, "apprehension that DOE  
23 Order 140.1 wrongly attempts to diminish the Board's  
24 ability to perform its statutory mandate under the  
25 Atomic Energy Act of 1954, as amended."

1           The Board's letter discussed the Board's  
2 primary concerns with the Order that involved major  
3 differences in Order 140.1 compared with the prior  
4 interface manual. The Board's letter noted  
5 inconsistencies in the words in the Order with the  
6 Atomic Energy Act of 1954, as amended.

7           I request Exhibit 1 be entered into the  
8 record, which summarizes the Board's concerns in its  
9 letter that include: A new definition of public  
10 health and safety that only includes individuals  
11 located beyond the site boundaries, thereby  
12 excluding onsite individuals and workers from the  
13 Board's oversight; exemptions allowing the  
14 Department to deny access to Hazard Category 3  
15 defense nuclear facilities or other facilities that  
16 the Department determines do not have the potential  
17 to adversely affect offsite public health and  
18 safety; lack of a clear provision to provide the  
19 Board with ready access to such information,  
20 facilities, and personnel as the Board considers  
21 necessary to carry out its responsibilities; and an  
22 allowance for the Department to deny Board requests  
23 related to deliberative documents, predecisional  
24 documents, or deliberative meetings.

25           On November 28, 2018, the Board held its

1 second public hearing on the Order. The goal of the  
2 second hearing was to gather information on access  
3 to information, facilities, and personnel for  
4 facilities managed by the Department of Energy's  
5 Office of Environmental Management and to receive  
6 additional input from the public. Senior leadership  
7 from DOE EM testified, including the Honorable  
8 Ms. Anne White, Assistant Secretary for the Office  
9 of Environmental Management, and Mr. John Mullis,  
10 Manager, Oak Ridge Office of Environmental  
11 Management. Ms. White and Mr. Mullis responded to  
12 Board member questions on implementation of the  
13 Order for DOE EM defense nuclear facilities.

14 As with the first public hearing, the  
15 Board received comments from public stakeholders who  
16 expressed concern with the Order. The testimony and  
17 responses of Department senior leadership during  
18 these two public hearings indicated that  
19 inconsistencies exist between the specific language  
20 in the Order and its planned implementation in the  
21 field. The testimony indicated that the Board would  
22 have greater access to information and facilities  
23 than provided for in the Order. However, Department  
24 senior leadership at these two hearings did not  
25 indicate that the Department intended to revise the



1 Order to address these inconsistencies.

2 In his December 13, 2018 letter, the  
3 Secretary of Energy responded to the Board's  
4 September letter, stating that it is the  
5 Department's policy to continue a strong and  
6 productive relationship with the Board. The  
7 Secretary's letter stated, however, that DOE Order  
8 140.1 is consistent with the Atomic Energy Act.  
9 Further, the Secretary's December 13 letter did not  
10 indicate any intention to revise the Order to  
11 address the Board's concerns.

12 On December 21, 2018, the Board responded  
13 to the Secretary in its letter stating that the  
14 Board remains concerned with the provisions in the  
15 Order that are inconsistent with the Atomic Energy  
16 Act. The Board reaffirmed its commitment to  
17 collaborate with the Department to resolve these  
18 concerns and to demonstrate the joint focus of both  
19 the Department and the Board on ensuring adequate  
20 protection of public health and safety.

21 This summarizes the Board's first two  
22 public hearings and the recent correspondence  
23 between the Board and the Department.

24 CHAIRMAN HAMILTON: Thank you,  
25 Mr. Roscetti. Would you briefly discuss the

1 implications of restricting the Board's access based  
2 on the language and exemptions of this Order,  
3 specifically focusing on impacts to the New Mexico  
4 facilities?

5 MR. ROSCETTI: Yes, sir. To help answer  
6 your question, I request Exhibit 2 be entered into  
7 the record. So I have to clarify that we'll enter  
8 an Exhibit 2 that has text to supplement the charts  
9 on this pie.

10 We shared this exhibit at the last two  
11 public hearings. It represents the staff's analysis  
12 of candidate defense nuclear facilities across the  
13 complex broken down by potential restrictions in the  
14 Interface Order. When you read the words in the  
15 Order, the Board's access could be limited to just  
16 those facilities with safety class controls. This  
17 is supposed to be indicated by a red arrow on the  
18 slide. It represents a 71 percent reduction in the  
19 number of candidate facilities. So I believe the  
20 orange slice is what would be left, based on the  
21 words in the Order.

22 CHAIRMAN HAMILTON: Okay. Just for  
23 clarification, since we have a little technical  
24 difficulty here, the kind of orangeish-amber color  
25 of the upper left pie -- that piece is what would be

1 left if we followed the wording of the Order very  
2 specifically? That's what we would still have  
3 jurisdiction over?

4 MR. ROSCETTI: Yes, sir. That slice  
5 represents Hazard Category 1 or 2 defense nuclear  
6 facilities with safety class controls.

7 For the members in the audience who don't  
8 have access to this from previous public hearings,  
9 I'll go clockwise to the next slice. The blue slice  
10 is Hazard Category 3 defense nuclear facilities.  
11 That's 9 percent. Radiological facilities is the  
12 red slice that's 23 percent. Onsite transport is  
13 the green slice. That's 5 percent. Tritium is the  
14 very narrow purple slice. That's 1 percent. And  
15 then Hazard Category 1 or 2 without safety class  
16 controls is 33 percent. That is the aqua slice in  
17 the lower left portion of the pie chart.

18 So based on the words in the Order, the  
19 orange slice would be what the Board would have  
20 jurisdiction over. All the other color slices would  
21 fall out.

22 Next I request Exhibit 3 be entered into  
23 the record. It further illustrates the impacts of  
24 the Order's restrictions by site. For the purposes  
25 of today's public hearing, the New Mexico sites with

1 defense nuclear facilities are starred. The green  
2 bars represent the total number of candidate defense  
3 nuclear facilities at a given site. The red bars  
4 represent only the Hazard Category 1 and 2 nuclear  
5 facilities with safety class controls. You can see  
6 a large drop in the number of facilities at all the  
7 New Mexico sites. Notably, the Waste Isolation  
8 Pilot Plant does not have any safety class controls.

9 So this summarizes the Order's impacts on  
10 the sites in New Mexico.

11 CHAIRMAN HAMILTON: Ms. Roberson has a  
12 question.

13 BOARD MEMBER ROBERSON: Mr. Roscetti, if  
14 we can go back to Exhibit 2, I think the one thing  
15 that we didn't say for the public on that is, that  
16 orange slice is compared to what the Board considers  
17 its ability to provide oversight to now.

18 MR. ROSCETTI: Yes, ma'am.

19 BOARD MEMBER ROBERSON: So it's a  
20 reduction.

21 MR. ROSCETTI: The entire pie is what the  
22 Board and its staff have traditionally provided  
23 oversight in the Department of Energy and National  
24 Nuclear Security Administration.

25 CHAIRMAN HAMILTON: Okay. It looks like

1 we got some of the words back there, thanks to  
2 Ms. Roberson, but we're still missing some.

3 Is that all you had there, Mr. Roscetti?

4 MR. ROSCETTI: Yes, sir. That's the  
5 summary of the impacts of the Order on the sites.

6 CHAIRMAN HAMILTON: Thank you.

7 The next question. I'm going to ask all  
8 three of our visiting panel members to address this.  
9 We'll start with you, Mr. Hintze, and then we'll go  
10 to Mr. Goodrum, and finally, Mr. Harrell. So let me  
11 kind of tee up what I'd like to discuss. And these  
12 are short; there's kind of a short answer on this.  
13 I don't need a long thing.

14 The Board has worked closely with the  
15 Department to ensure the adequate protection of  
16 public health and safety at defense nuclear  
17 facilities, including sites in New Mexico. Recently  
18 the Board has worked with the Department regarding  
19 the safety posture at the plutonium facility at  
20 Los Alamos, resolution of issues regarding  
21 inappropriately remediated nitrate salts at  
22 Los Alamos, and oversight during the restart of  
23 WIPP.

24 Each of the field office managers present  
25 here today have worked with the Board for quite a

1 number of years in various roles. So what I'd ask  
2 you to do is, very briefly, to hear from each of  
3 you, based on your experiences, your perspectives on  
4 the Department's relationship with the Board prior  
5 to this Order. What worked well? What didn't?  
6 What needed improvement? And if things did need  
7 improvement, did this Order address those things?

8 And I'd like to start with Mr. Hintze,  
9 please.

10 MR. HINTZE: Ms. Chairman, Board members,  
11 if I miss anything, please come back to me.

12 Our relationship with the site  
13 representatives for the Defense Nuclear Facilities  
14 Safety Board is excellent, at least the way that I  
15 believe, in dealing with -- the project you were  
16 talking about was the remediated nitrate salt  
17 process.

18 Before, and we expect that continuing on  
19 with this Order, there will be very little if no  
20 change to that. Our responsibility is to make sure  
21 that we ensure safe operations of our facilities and  
22 ensure the safety of the -- and health of the  
23 public, workers in the environment. In doing so,  
24 it's our responsibility to use or take any input  
25 from any available sources. In the past that's been

1 the site representatives as well as staff who visit,  
2 and we expect that to continue, because regardless  
3 of whether the facilities are the ones that you  
4 showed up on that slide or not, we still have the  
5 same responsibility as line managers, and in order  
6 to make the best decision possible to ensure safety,  
7 we expect to continue to get input.

8           And one of the things we miss sometimes  
9 is: There's a whole slew of experts out there, not  
10 just the Defense Nuclear Safety Board, but your  
11 regulatory agencies, both federal and in the state;  
12 there's local governments who have experts in the  
13 field. And we rely and use all of those and take  
14 the information.

15           The decisions are ours as the line  
16 management, in order to make sure that we do ensure  
17 safe operations. But we expect that we will  
18 continue the same relationships that we had, receive  
19 the information, assess the information, just like  
20 we do with all the sources, and then make the best  
21 decisions for our operations and mission execution.

22           CHAIRMAN HAMILTON: I appreciate those  
23 remarks very much. Was there anything that was  
24 fixed, that wasn't working well prior to this Order,  
25 that this Order fixed? That's really the gist of

1 the question.

2 MR. HINTZE: Yeah, I don't think that  
3 there is -- anytime you have different organizations  
4 with different, you can say, objectives or the basis  
5 on which they -- everything from your federal  
6 governments to the DNFSB, you see things slightly  
7 different. So that's why the communications is very  
8 key and I think that that communications has been  
9 well.

10 So I can't say that there's a specific gap  
11 that we had that the Order is either going to  
12 address or that is going to create a gap in there.  
13 Again, it goes back to the relationships, it goes  
14 back to the communications. And so I don't see,  
15 either way, this Order is going to change that.

16 CHAIRMAN HAMILTON: Thank you.

17 Mr. Goodrum, do you have some comments  
18 you'd like to add to that?

19 MR. GOODRUM: Yes. Thank you, Chairman  
20 Hamilton and Board members. You know, just like  
21 Doug started out, I have been a federal manager or a  
22 key position at one of the NNSA sites.

23 Is my mic on? Is that better? All right.

24 I have been a federal manager in multiple  
25 NNSA sites since the 1990s, and when I look at the



1 new Order, I don't see things that fundamentally  
2 change the role and relationships that I have worked  
3 with the Board from the various positions. You  
4 know, the fundamental is, as a risk official, when  
5 you're authorized to make a safety and --  
6 well-informed safety decision, you need to make sure  
7 that you're taking the accountability, you need to  
8 make sure you're bringing in all the relevant  
9 information, and that you're balancing that  
10 information to make a well-informed risk decision.

11           Throughout that process at described  
12 points, it's appropriate that we share information  
13 with the Board and with the staff, so that you  
14 understand our decision-making process; at  
15 appropriate times you get to see the decisions that  
16 were made and the basis of those decisions.

17           And so when you look at the new Order, I  
18 don't think that it changes that fundamental. But I  
19 think when we roll out our procedure internal at the  
20 laboratory, we'll add a lot more crispness to  
21 clarifying those roles, so that it doesn't change  
22 the actions by the Board or the staff, but it's  
23 focused to change the actions within NNSA that we  
24 have very clear lines of responsibilities that we  
25 adhere to, yet at the same time we have open

1 communication lines for exchanging the appropriate  
2 information for you to conduct your oversight role  
3 or your independent analysis role and ability to  
4 provide comments.

5 CHAIRMAN HAMILTON: Thank you.

6 Mr. Harrell, do you have anything you  
7 would like to add on this?

8 MR. HARRELL: Mr. Chairman, members of the  
9 Board, thank you, first of all, for the question. I  
10 think it's important to note that I have only been  
11 there four years as a field office manager,  
12 approaching four years, so I can only speak  
13 historically for that time frame.

14 The relationship we've had with our  
15 cognizant engineer and the relationship with the  
16 Board I think has been exceptional the four years I  
17 have been there. I don't see any change associated  
18 with Order 140.1. I don't see any problems that  
19 need to be fixed.

20 But I will say many times those  
21 relationships are based on personalities, and no  
22 matter what you put in an order, it has to be the  
23 people who are involved in those decisions, that  
24 relationship, are going to make a great deal of the  
25 difference. But other than that, I'll agree with my

1 colleagues to the right.

2 CHAIRMAN HAMILTON: Great. Thank you very  
3 much, all three of you.

4 By the way, I just want to point out we  
5 have resident inspectors, not site representatives.  
6 That's what the Atomic Energy Act calls out. You'll  
7 be forgiven, Mr. Hintze, for using the wrong term  
8 because for years we used that term, but we are now  
9 using the term resident inspectors, which is what is  
10 called out in the law. So I'm not trying to pick on  
11 you there.

12 Ms. Connery.

13 BOARD MEMBER CONNERY: So before I ask my  
14 question, I do have just a quick comment back on the  
15 information we just heard from our colleagues from  
16 the Department.

17 I appreciate the fact that you have a  
18 responsibility for public health and safety based on  
19 the fact that you are the owners of those  
20 facilities. But we also have a responsibility.  
21 When Congress established us 30 years ago, they  
22 didn't just make a group of experts to be an input  
23 to your decision-making. We're oversight. So I  
24 appreciate that you're going to take information  
25 from a lot of different places, but when the Board

1 speaks, it's not speaking as a think tank. It's not  
2 speaking as an input. We are congressionally  
3 mandated to provide oversight. So I just want to  
4 remind my colleagues of that.

5           So my question, if you'll forgive me, is:  
6 It's our understanding that while the Order was  
7 approved on May 14 of last year, sites across the  
8 Department are at various stages of implementation.  
9 Therefore, we'd like to hear from each of you on  
10 where in the process of implementation your field  
11 office currently is and the expected timeline for  
12 full implementation. As we heard from Mr. Goodrum,  
13 some of the details will be fleshed out when those  
14 implementation plans are actually executed.

15           If each of you could briefly answer the  
16 following questions, which I request to be displayed  
17 on the screen just to help you out so you hit them  
18 all. The first is: Is the Order currently  
19 applicable to your field office employees? Second,  
20 we have received the Sandia Field Office's  
21 implementing procedure for the new Order. Have you  
22 developed any similar supplemental guidance, such as  
23 procedures or training documents, for your field  
24 office employees which describe how the Order will  
25 be implemented at your site? If the guidance has

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1 been developed, I request that it be submitted for  
2 the record.

3 And finally, has the Order been added to  
4 your site's contract? If not, when do you expect it  
5 to done, to do so? Additionally, has your  
6 contractor developed any implementing procedures?  
7 If so, I request that these procedures also be  
8 submitted for the record.

9 So we'll start with Mr. Goodrum.

10 MR. GOODRUM: Thank you. First of all,  
11 yes, the Order is applicable to the fed staff at  
12 Los Alamos. We conducted training executed within  
13 NNSA to bring the seniors up to speed with what was  
14 in the new Order, what was expected of us, and  
15 implementation of the new Order; and so that has  
16 been flowed down to the higher levels of the fed  
17 staff, relatively well understood by the staff in  
18 total.

19 Let me go back to the third question,  
20 which is: Is the new Order in the contract? The  
21 answer is: Yes and no. The new Order was in the  
22 contract for the previous contractor, known as LANS.  
23 And as everyone is aware, we changed in November to  
24 Triad. The Triad contract was in transition at the  
25 time, and we did not insert it during that period of

1 time with Triad. We're in the process of doing a  
2 contract mod, so within weeks that will be in the  
3 Triad contract.

4 As I alluded to earlier, once it's in the  
5 contract formally, Triad will take and rewrite the  
6 procedure that they use for interface with the  
7 Defense Board. They will also coordinate that  
8 through us. We don't approve it, but we do concur  
9 in it. And we're planning to embed in there where  
10 are the nodes and points of which the interaction  
11 comes back to NNSA and how to identify the  
12 principles that are in there, principles such as we  
13 share operational information real time, things of  
14 that nature.

15 So those things will be captured in the  
16 procedure that will be put out by Triad. But if you  
17 ask, are we following that today, I would say, from  
18 everything that I have seen, those principles have  
19 been put in places and expectation by the Triad  
20 corporation and their leadership, and I believe if  
21 you ask, have we been living up to that, I believe  
22 we have been following that as a guideline. And I  
23 do think it has been working reasonably well, that  
24 it assures that we have shared information, and at  
25 the same time we have a good understanding of what

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1 information we're sharing. And I have done -- not  
2 aware of the time that we have denied access to the  
3 resident inspector of any of our nuclear facilities,  
4 Cat 2 or 3. And if you look at the record of all  
5 the requests that we've had for information, there  
6 may be a few that we were a little bit slow in  
7 providing the document and getting a formal answer  
8 as we coordinate through the NNSA, but we have  
9 always provided the information that has been  
10 requested to date.

11 BOARD MEMBER CONNERY: Thank you.

12 Mr. Hintze.

13 MR. HINTZE: Chairman Hamilton, members of  
14 the Board, just as Steve said, the Order is  
15 applicable to the federal staff once it was signed  
16 and approved by the Department back in May of 2018.  
17 So we have had training from several different  
18 sources, first from the Department of Energy's  
19 departmental representative to the DNFSB. We've  
20 received training from them at our level and also at  
21 our DNFSB liaison for my staff.

22 We then had training within the senior  
23 staff of the Environmental Management -- Office of  
24 Environmental Management headquarters and the field  
25 managers. And then we also did training for our

1 staff. However, because, as I said before, the  
2 expectation is not that there's not going to be  
3 significant change. We don't believe that it is  
4 necessary that we need to have an implementing  
5 procedure at our field office. Right now I have 24  
6 folks. They're going to have maybe 34 folks, and so  
7 based on the communications and interfaces we have,  
8 and with the DOE Order, we don't believe that it's  
9 necessary to have one at our level.

10 Is the Order applicable to the site  
11 contractor? Our contractor came on board April 30  
12 of last year, which was prior to -- just before the  
13 Order was approved. However, it's not in their  
14 contract as of yet. And the reason it isn't is  
15 because we go through all of the changes that we  
16 have, orders and so forth, and we do an assessment  
17 of what the criticality is based on the impact on  
18 safety and if there's significant changes. In this  
19 case here, we didn't believe that it was a  
20 significant change, and so it kind of went in the  
21 stack of the different changes.

22 There's a draft memo that we have that  
23 will initiate a contract modification that's sitting  
24 on my contractor officer's desk right now that is  
25 expected to go over there with a list of changes



1 that we were asking for and the impact that they  
2 believe will be to our contract. And then after  
3 that, we'll do the contract modification. So we  
4 expect that the contract modification should be  
5 completed in the next couple of months.

6 BOARD MEMBER CONNERY: Thank you.

7 Finally, Mr. Harrell.

8 MR. HARRELL: First of all, as my  
9 colleagues said, yes, the Interface Order does apply  
10 to all field office employees. That's a simple  
11 question. And I believe you said you have seen the  
12 supplemental guidance.

13 Let me expand on that just for a short  
14 amount. So I want to go to the procedure and the  
15 training documents. All of the folks in our office  
16 who this will -- and I'm going to say it applies to  
17 all federal employees, obviously; but not all  
18 federal employees are involved with work that would  
19 associate with the DNFSB, of course.

20 All have been trained, all receive the  
21 same training that was given by headquarters, and  
22 lab employees attended that, as well; some lab  
23 employees did. So we did explain and describe how  
24 the Order should be implemented at our site. It's  
25 the same training that some of the other sites have

1 received.

2 Has it been added to the contract? Yes,  
3 through a contract modification. So that is on the  
4 contract and has been for a while.

5 As far as implementing procedures, I have  
6 seen the communications from the lab staff, senior  
7 staff, that basically says there are no changes  
8 associated with -- we're not going to be changing  
9 anything to the way we do things.

10 BOARD MEMBER CONNERY: Thank you. So as I  
11 noted, if you do have additional information that  
12 should be provided for the record, we'll have the  
13 record open for that. Thank you.

14 Ms. Roberson.

15 BOARD MEMBER ROBERSON: I actually --  
16 maybe it's a question; maybe it's just a comment. I  
17 was actually very happy to see the Sandia  
18 implementing procedure, because my understanding is  
19 one of the whole purposes of the Order is for us  
20 both to better understand how things are going to be  
21 done. And whether I agree with everything in it is  
22 irrelevant, at least when it comes to requests for  
23 information, how to escalate those, who in that  
24 specific organization is responsible for what. I  
25 found it very helpful. So maybe if you have 24

1 people, you're the man and you don't need an  
2 implementing procedure. But it could be -- I  
3 thought it was a very good practice, and I just  
4 encourage everybody to take a look at it.

5 MR. HARRELL: Thank you, ma'am. Does that  
6 mean I'm done?

7 BOARD MEMBER ROBERSON: No.

8 MR. HARRELL: No? Okay.

9 CHAIRMAN HAMILTON: Thank you, Ms. Connery  
10 and Ms. Roberson.

11 Another question for all three of you.  
12 Again, kind of two short questions. Let me tee it  
13 up here. The Atomic Energy Act of 1954, as amended,  
14 states, "The Secretary will provide, 'ready access  
15 to such facilities, personnel, and information as  
16 the Board considers necessary to carry out its  
17 responsibilities.'" However, the Order states the  
18 Department may deny requested information if it  
19 "does not have a reasonable relationship to the  
20 functions of the DNFSB as enumerated in the Atomic  
21 Energy Act."

22 So first question -- and let's go the  
23 other way this time. Mr. Harrell, we'll start with  
24 you. The first question. For your site, who  
25 specifically is in charge of making the

1 determination of the access that the Board and its  
2 staff will receive? And a short answer is fine.

3 MR. HARRELL: Me. The buck stops here.

4 CHAIRMAN HAMILTON: Mr. Goodrum?

5 MR. GOODRUM: The answer is the same, but  
6 let me elaborate just a touch. We're setting the  
7 stage that the M&O contractor, our partner, Triad,  
8 has the ability to provide information as requested.  
9 And should they be in a position that they would  
10 like to deny information, that would immediately  
11 come back to my staff. I'm in a position of  
12 authority to make that determination. But I would  
13 say before I would ever deny a document or a set of  
14 information, I'd always coordinate back with the dep  
15 rep representing DOE's office and relationship with  
16 the Defense Board and with NA-50, which is the NNSA  
17 parallel who we work with. So we would always  
18 assure that level of coordination before we would  
19 deny access to a document.

20 CHAIRMAN HAMILTON: Mr. Hintze?

21 MR. HINTZE: As with my colleagues, it  
22 would ultimately rest with me, although I would tell  
23 you that my director of safety and facility  
24 operations, who's also the DNFSB liaison, would be  
25 probably the first person that would raise that

1 issue and whether there is an issue as far as  
2 access. But it all ultimately would rest with me.

3 CHAIRMAN HAMILTON: Thank you. Let's go  
4 in the same order again. Second part of my  
5 question. What happens if the Board requests access  
6 to information on something that the Board considers  
7 necessary and the Department doesn't? How do we  
8 resolve the difference?

9 MR. HARRELL: Well, I want to be very  
10 careful about looking at hypothetical situations,  
11 obviously. But I think the important piece would be  
12 the communication flow, not only between, as Steve  
13 mentioned, me and my office, but the departmental  
14 representatives, as well, and NA-50. But then also,  
15 obviously, we will work with you all. I don't  
16 see -- I don't anticipate an issue where we would  
17 withhold anything. I don't see any change in the  
18 way we're going to operate from the way we've  
19 operated in the past.

20 CHAIRMAN HAMILTON: Okay. Let me -- I'll  
21 stop there, because I actually happen to agree with  
22 you that it's a hypothetical, and so I'm going to  
23 let the other two of you off the hook, because it is  
24 kind of a hypothetical, and we're going to go on to  
25 Ms. Connery.

1 BOARD MEMBER CONNERY: You're too easy.  
2 Okay. My question is for Mr. Goodrum  
3 specifically. So NNSA has announced that they will  
4 play a prominent role -- that Los Alamos will play a  
5 prominent role in manufacturing new plutonium pits  
6 for the stockpile. This is an issue in which  
7 everybody is keenly interested, as you well know.  
8 We understand that this will require considerable  
9 efforts to upgrade the infrastructure, to include  
10 safety systems like glove boxes, ventilation and  
11 fire suppression systems at PF-4, plutonium  
12 facility.

13 Some of these efforts are funded through  
14 line item construction projects that Congress  
15 clearly expects us to oversee early in the design  
16 and construction process. But other upgrades are  
17 handled through programmatic and less regimented  
18 means, and they may not necessarily reflect the  
19 safety significance of that acquisition.

20 Do you consider the information and  
21 process surrounding these decisions that will need  
22 to be made over the next several years as  
23 predecisional, and how will that affect us as the  
24 Board as we try to conduct our oversight activities?

25 MR. GOODRUM: Well, let me put it in a

1 touch of context. Those activities you're referring  
2 to would happen inside a plutonium facility that has  
3 an approved safety basis, which we just recently  
4 upgraded. We also have a plan to continue to  
5 upgrade over the next couple of years to make sure  
6 that we have the best safety documentation and set  
7 of controls for the operation we're headed towards.

8 But in the context of your answer,  
9 anything that happens inside the plutonium facility  
10 has to be within the envelope of the safety basis,  
11 the safety documentation. So whether it's a  
12 construction project, or there's minor rework or  
13 there's maintenance, all those things have to be  
14 verified that they don't introduce hazards into the  
15 facility or to the workers of the operation that  
16 aren't properly analyzed and characterized and  
17 accepted. And if that was the case, you would go  
18 into the USQ process to do the analysis.

19 So we do have that in place. Does it  
20 require a lot of coordination between the  
21 programmatic offices that are responsible for the  
22 ultimate throughput and the offices that are  
23 responsible for the constructions and some of the  
24 upgrades within the operating facility? Yes, that  
25 requires a lot of coordination. But it ultimately

1 goes back to verification that's within the safety  
2 envelope for that facility.

3 BOARD MEMBER CONNERY: So I understand  
4 that. I'll just be a little bit more specific. In  
5 a design and construction project, we have -- it's  
6 outlined very specifically when the Defense Board  
7 gets involved. And it's clear that Congress was  
8 adamant that they wanted us to get involved sooner  
9 rather than later so the Department wouldn't make  
10 decisions that it would then have to go and  
11 potentially undo if we raise a safety issue with  
12 which the Department agreed because then it would  
13 cost a lot more money and resources and obviously,  
14 you're on a tight time frame and tight budget.

15 For lesser construction -- lesser  
16 activities that don't fall into the CD process,  
17 those specifically are the issues that I'm concerned  
18 about. And before it gets to the DSA process,  
19 procurement, what have you, I'm just trying to  
20 understand whether or not we're going to be impacted  
21 and told that these activities are predecisional  
22 and, therefore, wait until we have made the  
23 decision, which could include long-lead procurement  
24 in some cases, before the Defense Board is kind of  
25 allowed to understand what it is that you're

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1 intending to do.

2 MR. GOODRUM: Well, let's see. If it was  
3 activities within the approved operating nuclear  
4 facility, whether it required a USQ or did not, it  
5 would have to be captured by the safety envelope. I  
6 would look at that as being an ongoing operation,  
7 and we share operational information. If it got to  
8 the point that there was extensive rework to the  
9 analysis and the safety basis documentation, when  
10 those documents were far enough along that we would  
11 receive them from the contractor, that's the time  
12 that we would share them back with the Defense  
13 Board, with the resident inspectors. We would ask  
14 not to receive comments until we had had time to  
15 review them on the federal side, because I want to  
16 protect our responsibility to understand the basis,  
17 and then we would at that point in time receive  
18 comments from the Defense Board.

19 But my sense is: Most of this will be  
20 captured through the USQ process, which you would  
21 have access to.

22 BOARD MEMBER ROBERSON: Just because we  
23 are running into this, so if you just describe the  
24 process that we are seeing play out. Wouldn't you  
25 say you'd ask the Defense Board to wait until you

1 had reviewed and decided what you were going to do?  
2 What does that mean? Does that mean the Board would  
3 not -- the documents would be predecisional, so the  
4 Board would not have access to conduct its own  
5 review before that point?

6 MR. GOODRUM: So for the sake of people  
7 listening, I put it in the context of: We need to  
8 make sure, as line managers, we are taking the  
9 accountability for the decisions we're going to  
10 make. Parallel to that, if we do get a signed  
11 document from the contractor, we would share that  
12 information back with the Defense Board. We would  
13 also share it when we had decided what we would  
14 approve as a final document, and those would be the  
15 nodes of which we would share that information.

16 And the reason I consider that, you know,  
17 going back to the principle, is, you know, we want  
18 to be in the position that we take time to  
19 understand the basis of our decisions and that we  
20 know that there were decisions that we're prepared  
21 to go forward with to allow you to be in a position  
22 to independently look at the analysis and the  
23 results and provide comment.

24 BOARD MEMBER ROBERSON: Okay. I just want  
25 it to be clear. So you wouldn't withhold the

1 information from the Board.

2 MR. GOODRUM: No.

3 BOARD MEMBER ROBERSON: But you wouldn't  
4 engage with the Board until you've decided what your  
5 own views were?

6 MR. GOODRUM: Correct. We would not ask  
7 for comments until we, the federal team, had  
8 reviewed the documentation to the level that we knew  
9 what decisions we were going to make with the  
10 documentation.

11 BOARD MEMBER ROBERSON: Thank you.

12 BOARD MEMBER CONNERY: So does that mean  
13 that there would be no room to reconsider that  
14 decision once you got the into from the Board?  
15 Because I thought we were an important input to the  
16 decision-making process.

17 MR. GOODRUM: I was very careful not to  
18 say "until we approved." I said, "When we have the  
19 information to know what decisions we were going to  
20 make," for that reason. It's in our best interests  
21 that if you all find significant comments, that  
22 we're in a position to address those early on. So I  
23 blend -- you know, I need to be in a position to  
24 understand the decision that NNSA plans to make, yet  
25 at the same time give you a chance to look at the

1 documentation and then once we know we're in a  
2 position that we understand the basis of our  
3 decision, we would ask for the comments, and then we  
4 would address the comments appropriately.

5 CHAIRMAN HAMILTON: Thank you,  
6 Ms. Connery.

7 Board Member Santos.

8 BOARD MEMBER SANTOS: Thank you. This is  
9 a good segue, and I want to eventually follow up to  
10 both the points Ms. Roberson and Ms. Connery  
11 brought. But I want to give some data here to help  
12 frame some of the questions.

13 So I'm going to start with Mr. Roscetti.  
14 Will you discuss the staff assessment of the  
15 timeliness of recent information requests at the  
16 four field offices represented here this evening?

17 MR. ROSCETTI: Yes, sir. First I'll  
18 briefly discuss the information request process, so  
19 that I can speak to how the staff has assessed the  
20 timeliness of those requests.

21 When the Board or its staff requests  
22 documents from the Department, the staff submits a  
23 formal document request. As part of that document  
24 request, the staff includes a requested-by date for  
25 each individual document we request. The

1 requested-by date is nominally three weeks from the  
2 date the document request is sent to the Department,  
3 per the Department's guideline of 15 working days.

4 Occasionally the staff will have a  
5 requested-by date which is earlier or later than 15  
6 working days after discussion with site personnel to  
7 account for factors such as the total length of the  
8 documents requested, when the information is needed  
9 by the staff, and when the documents will be  
10 available.

11 So for LANL NNSA, of the over 100 requests  
12 for documents we have made since May 2018, our  
13 technical staff considers nine to have been late,  
14 five of which delayed some of our review efforts.

15 One of our requests was denied because  
16 LANL considered the information to be predecisional  
17 and business-sensitive. Two requests were initially  
18 denied by the contractor but were later fulfilled.  
19 And generally, these delays occurred under the prior  
20 contractor.

21 For LANL EM, of the approximately 20  
22 requests for documents we have made since May of  
23 2018, our staff considers nine to have been late  
24 with one delaying staff efforts. The remainder  
25 became overcome by events due to a change in EM's

1 path forward for the Area G safety basis.

2 For WIPP, the majority of requested  
3 documents have been received late. For instance, of  
4 the 15 requested documents currently being  
5 processed, all are past their requested-by date.  
6 However, I do not think that this is tied to the  
7 Order 140.1. My assessment is that this is just due  
8 to available site resources to fulfill our requests.

9 Finally, for Sandia, our document requests  
10 are fairly limited, but we have not experienced any  
11 delays since May 2018.

12 BOARD MEMBER SANTOS: Thank you,  
13 Mr. Roscetti, for that information. So the point I  
14 would like to make, to me -- I'm going to just make  
15 up a phrase here -- safety delayed is safety denied.  
16 And what I'm concerned about is, yes, if part of our  
17 reviews is like a more traditional review of, let's  
18 say, like the safety basis documentation, I  
19 understand you were careful to say, "We'll figure  
20 out that according to what the right time to  
21 engage," maybe not necessarily after you approved  
22 it.

23 But a lot of our oversight is looking at  
24 current health, current controls right now, and  
25 because of the thoroughness of our staff's work, we

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1 want to make sure we're absolutely and technically  
2 thorough. And that would require interactions that  
3 should happen before we communicate. And I'm  
4 concerned that if those interactions are going to be  
5 delayed, then we won't be able to communicate our  
6 final work products to you in a timely manner, as US  
7 risk officials, to make the determination.

8           So I see a little bit of both. I see  
9 opportunities where we need to be more predictable  
10 and have a better coordination of what are the smart  
11 points to have interaction and give you the  
12 opportunity to make the decisions that you need to  
13 make. But I see other opportunities where as part  
14 of our oversight, we have identified issues, you  
15 know, as operations are happening that it's  
16 important that we communicate to all of you, but  
17 that will require some additional technical  
18 interaction instead of waiting, let's say, for the  
19 next revision of the safety documents that, as you  
20 know, take years.

21           So I think we need to find a better  
22 balance and not get too restricted on: We don't  
23 interface until close to approval or at some future  
24 date. Do you understand what I'm -- it's a  
25 statement I'm making. And I just want to get any

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1 reactions from you, Mr. Goodrum.

2 MR. GOODRUM: Some of the requests  
3 sometimes involve information that may need to be  
4 redacted, things of that nature. So I don't think  
5 it would be worth going through each and every one.  
6 But let me say, you know, my commitment is -- well,  
7 let me also point out, there was a little bit of --  
8 as the transition from LANS to Triad at Los Alamos,  
9 with the infusion of the Order and the understanding  
10 of predecisional, there were a couple of documents  
11 that fell in the gray zone that took longer than I  
12 would normally expect to work out. So I think a lot  
13 of that stuff is behind us.

14 But I think the most important thing is:  
15 We are committed to provide the information. We  
16 want to be sensitive to the timelines that you need  
17 to work to. If there's ever a case that there's  
18 information denied at a low level of initial request  
19 that's of a concern, I would say elevate that up to  
20 seniors and we would engage very quickly. And also,  
21 if there's a timeline that you think is being  
22 challenged, if we were aware of that, we would  
23 really turn up the time for the process to take  
24 place to make sure that if we felt uncomfortable  
25 sharing the information, we did the right in-house

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1 coordination and responded appropriately, or if we  
2 had a way to work around things, we would offer that  
3 up.

4           But it is our commitment through this --  
5 you know, I stated a slightly different data set,  
6 but it may be the time swing that I picked up.  
7 Because our agreement is to provide the information  
8 requested, and I don't think there would be very  
9 many cases that we don't. And when we -- if that's  
10 the case, we would definitely explain the reason  
11 behind it. But I would be more focused on the  
12 information that you do request, making sure that we  
13 know the timely needs of it and if we feel like  
14 we're not going to be able to meet that, we would  
15 open coordination.

16           BOARD MEMBER SANTOS: Thank you for that  
17 commitment. Again, I have seen the experiences that  
18 we are getting the information; some delay, but we  
19 are getting it, including formal Board requests for  
20 information.

21           The point I want to make is that our  
22 oversight function requires timely interactions  
23 also. I'm a little bit concerned that the time that  
24 you need to give yourself to make those decisions on  
25 our ability to complete our work will probably

1 require additional coordination, and that's beyond  
2 having the documents already provided. So that's  
3 the point I wanted to make.

4           You mentioned some of the redactions. I  
5 want to have a question for Mr. Roscetti. As we all  
6 know, our resident inspectors provide weekly reports  
7 of the various sites. This is one of the best ways  
8 we have to provide transparency to the public of  
9 some of the work that the Board is doing.

10           So my question to Mr. Roscetti is: Have  
11 you noticed there has been any change in the  
12 feedback received by the Department on our weekly or  
13 monthly resident inspector reports since the  
14 issuance of the Order? My understanding is that the  
15 Department does look for factual accuracies or any  
16 other items. But have you seen any change in the  
17 feedback of those weeklies since the issuance of the  
18 Order?

19           MR. ROSCETTI: So let me just clarify,  
20 just for the benefit of everyone listening. It has  
21 been the practice of the resident inspectors and  
22 site cognizant engineers to provide the site reports  
23 to the Department site personnel at the respective  
24 sites for feedback after providing those reports to  
25 the Board but prior to posting on the Board's public

1 website.

2           The majority of the feedback that the  
3 staff receives is minor in nature. Occasionally the  
4 feedback is more subjective in nature or includes  
5 requests to incorporate more additional details and  
6 information which is not necessarily required for  
7 the report to be technically accurate, but may  
8 provide more context.

9           Since the issuance of the Order, some  
10 sites have requested that information which the site  
11 believes falls under the exemptions of Order 140.1  
12 be removed from the reports. For instance, when the  
13 staff attended and reported on a fact-finding  
14 meeting for an event at a below Haz Cat 3 facility  
15 at Y-12 in June 2018, a comment from the field  
16 office was to remove the paragraph from the weekly  
17 report as the facility was exempt from Order 140.1.

18           BOARD MEMBER SANTOS: Thank you. So  
19 there's some -- okay. In the -- I just want to  
20 shift gears a little bit. In the Department of  
21 Energy Deputy Secretary September 1, 2017, memo, she  
22 stated the issuance of the Order could, and I quote,  
23 "result in significant improvements in efficiency  
24 and/or decrease in cost to laboratory and DOE  
25 operations."

1           So I have two questions to our witness.  
2 Can you explain how implementation of the Order will  
3 improve overall efficiency and/or decrease costs as  
4 a result of the changes to the interface with the  
5 Board at your site? And then, how are you going to  
6 measure these improvements, cost savings, and  
7 communicate them? So I'll start with Mr. Goodrum.

8           MR. GOODRUM: Well, let's see. First, if  
9 you go back to the procedure I referred to that will  
10 be created by the new M&O contractor, Triad, I think  
11 there will be a lot more clarity, so there will be  
12 less question about what's to be shared and what  
13 level it can be shared. And I think that by itself  
14 will make it where people feel much more comfortable  
15 answering those questions.

16           I feel very comfortable that when the  
17 resident inspectors ask for information that is  
18 operational, they ask for information that's working  
19 within the laboratory, that the M&O partner can have  
20 the liberty to go ahead and share that information  
21 essentially real time, and we wouldn't require  
22 formal requests for those type interactions. And  
23 then when we do get a formal request, which would be  
24 really information that winds up going back to the  
25 headquarters office, that we would quickly work

1 that.

2 But I do think that with the new Order and  
3 the rollout, just like I was talking about clarity  
4 when we share safety documents, I think that same  
5 level of clarity will show up to those who are doing  
6 the day-to-day work, so that they know how to answer  
7 those questions from the beginning.

8 BOARD MEMBER SANTOS: The second part is:  
9 How will you measure those improvements? Do you  
10 have any metrics on cost, efficiency?

11 MR. GOODRUM: Let's see. Without a lot of  
12 data, I think if you look at the last four months at  
13 Los Alamos, you probably have seen an improvement.  
14 But those are metrics that we would watch in the  
15 reports that we received. And also, I would gather  
16 information that came directly from the contractor  
17 about areas that they might have concern. But my  
18 general sense is that you'll see fewer things that  
19 are missing in the timeline, and I would say it  
20 would be a rare exception that there would be  
21 requests that we would say would be predecisional or  
22 for some other reason we would not share.

23 MR. HINTZE: So I'll have to be honest. I  
24 don't know how. Right now, when you look at the  
25 interactions with the resident inspectors, I'm not

1 so sure that there is tracking of costs associated  
2 with that to then be able to compare what would be  
3 any savings. Since we haven't actually sent the  
4 Order over to our contractor, we haven't had them  
5 come back and tell us what potential impacts are.  
6 So the first answer is: We can't say either way  
7 because we haven't given it to the contractor to see  
8 what the impact would be. And second off, I'd have  
9 to think more on what sort of metrics that we would  
10 have in place in order to track that.

11 MR. HARRELL: I have to agree with  
12 Mr. Hintze. I don't know that the Order has been in  
13 place long enough to make that determination, if  
14 there are efficiencies to be made or where they  
15 could be made. But I have to agree with him,  
16 without thinking about this, I'm not sure how we  
17 would track the metrics. I haven't really given it  
18 any thought.

19 BOARD MEMBER SANTOS: Thank you. I want  
20 to echo Ms. Roberson's points regarding the Sandia  
21 Field Office implementing procedure. I have studied  
22 it, and that procedure says the guideline of 15 and  
23 20 working days that we mentioned. The procedure  
24 also has a requirement that all information requests  
25 be tracked in a local share point site. For the

1 other field office managers, does you field office  
2 have a similar timelines guideline, and do you have  
3 a similar tracking database?

4 MR. HINTZE: So for us, because you just  
5 heard the number for over a six-month period was 20  
6 documents, we don't need a very big database. We  
7 have an Excel spreadsheet that we just coordinate  
8 with the site, the resident inspectors, and with  
9 DNFSB staff members back in headquarters. So it's  
10 not a very complicated process for us.

11 But I would like to make one comment, if I  
12 could. We do need to be a little bit careful when  
13 we're talking about the statistics of providing the  
14 documents within that time frame. And just like the  
15 comment was made, you know, we had 20 documents that  
16 were requested and nine of them were late, and then  
17 the comment was made, "But that was overcome by  
18 events, because the decision was made to go in a  
19 different direction on the documented safety  
20 analysis."

21 So what that indicates is that we are  
22 actually -- you could say that was predecisional,  
23 that those discussions were held and the documents  
24 were being discussed, and then a decision was made  
25 to go a different direction.

1           So we got to be careful, because you can  
2 use the statistics to show that we're late, and yet  
3 at the same time we're going to the point where  
4 we're making sure that there's involvement as we go  
5 through that decision-making process. So it may not  
6 tell you the full story in a lot of cases, because  
7 that was a case where I would say it was reaching  
8 out to make sure that there was involvement by the  
9 resident inspectors at a very early stage.

10           BOARD MEMBER SANTOS: I appreciate that  
11 point. And like I expressed before, you know, I  
12 don't want to minimize this as an  
13 access-of-information item. To me, what's important  
14 is meaningful, complete, and timely oversight and  
15 ability to communicate our complete independent work  
16 so that it's useful. So thank you for that.

17           I have a few additional questions for  
18 Mr. Roscetti. First, Mr. Roscetti, since the  
19 issuance of the Order -- I'm sorry. Can you discuss  
20 the impacts on the staff's work of the Department  
21 responses to requests for information that you  
22 mentioned being delayed? Like what has been the  
23 impact on the staff's work?

24           MR. ROSCETTI: So Mr. Santos, the impacts  
25 to delayed information requests are generally



1 limited to the staff's schedule of work, if at all.  
2 The members of the technical staff are usually  
3 working on multiple reviews across the complex at  
4 any one time. If necessary information is delayed  
5 for one review, the staff members will shift  
6 resources to a different review and adjust the  
7 in-office review schedules for each review  
8 accordingly.

9 BOARD MEMBER SANTOS: Do you consider  
10 those shifts to have affected safety?

11 MR. ROSCETTI: Generally speaking, I don't  
12 think the in-office shift of resources from one  
13 review to another have affected safety, no, sir.

14 BOARD MEMBER SANTOS: My follow-up  
15 question is: What guidance and controls do you have  
16 in place to engage with the Board when documents are  
17 delayed, and in what form is that guidance provided  
18 to the staff?

19 MR. ROSCETTI: As the technical director,  
20 I have directed the staff to inform myself and the  
21 deputy technical director when documents are delayed  
22 past the requested date for reasons associated with  
23 Order 140.1, so that we can bring it to the Board's  
24 attention. I have provided this guidance to the  
25 staff through e-mail and verbally, and reiterated it

1 verbally through our internal meetings with the  
2 technical staff.

3 BOARD MEMBER SANTOS: Thank you. And  
4 since the issuance of the Order, do you believe we  
5 have experienced impacts to our mission?

6 MR. ROSCETTI: So I would say that, I  
7 mean, since the issuance of the Order, there have  
8 been minor impacts to the staff's ability to get  
9 documents such that myself and the deputy technical  
10 director have had to work with our counterparts at  
11 the Department and even in NNSA to get those  
12 documents. As far as that aspect having an impact  
13 on the Board's mission, I think it's negligible.

14 BOARD MEMBER SANTOS: Thank you.

15 CHAIRMAN HAMILTON: Thank you, Mr. Santos.  
16 Ms. Roberson.

17 BOARD MEMBER ROBERSON: I have one  
18 follow-up question, because I think your exchange  
19 with Mr. Hintze was a good one on requests for  
20 information.

21 If I remember correctly, in our last  
22 hearing there was reference to several thousands of  
23 information requests that the Department had  
24 received from the Board and its staff, that there  
25 was a small fraction that had been addressed. I was

1 stunned by the number, but it does lead me to  
2 believe maybe we don't count the same things, which  
3 would be helpful. But number two, there are not  
4 that many in the EM operation, I know there are not  
5 that many at Sandia, and I'm wondering if you know,  
6 Mr. Goodrum, how many information requests have you  
7 received from the Board? Do you have a sense of  
8 that? Because headquarters is tracking.

9 MR. GOODRUM: Off the top of my head, I  
10 could not say. I did go through that information  
11 over the last couple of weeks. But I agree with you  
12 that we need to have a common understanding of the  
13 information requested, the expected timeline and, if  
14 needed, an adjusted timeline. And I think that  
15 would be the best way to make sure.

16 I would also point out, it's an exception,  
17 but there are times that actually documents are not  
18 yet complete that people are aware of that there's a  
19 request for, and we're actually waiting for the  
20 document to be completed in order to provide that  
21 documentation.

22 But like I said, our commitment is to  
23 provide the information that is necessary, to share  
24 that as timely as we can without intervening with  
25 our decision-making process, and I think in most

1 cases, there's a way to do that in parallel, and  
2 we'll provide that level of coordination.

3 BOARD MEMBER ROBERSON: Thank you.

4 CHAIRMAN HAMILTON: Thank you,  
5 Ms. Roberson.

6 Board Member Connery.

7 BOARD MEMBER CONNERY: Fellow Board  
8 members and staff are probably going to kill me for  
9 this, but I'm going to go a little bit off script  
10 and not read the question that's on my page.

11 But I'm grappling with this whole issue of  
12 deliberative documents, predecisional documents,  
13 deliberative meetings, and the fact that the Order  
14 says that the Department can deny our access to  
15 those. It's in nobody's interests to waste our  
16 time. And again, I'll point out we have fewer than  
17 100 staff members, including Board members. I think  
18 it's down to 85 now, in comparison to the large  
19 numbers of folks that you have at both DOE and at  
20 the complex. So we don't want to waste our time  
21 looking at things that will end up going in a  
22 different direction. So that is a conversation I  
23 think that needs to be had.

24 But when you look at our statute, it says  
25 that the Board gets to look at whatever information

1 it deems necessary. And when I look at the Deputy  
2 Secretary's statement that it's going to decrease  
3 costs to laboratory and DOE operations by having  
4 this Order in place, you know, my thought is: Well,  
5 why would that be? Because what costs are you  
6 avoiding by not getting input from the Department?

7           And yes, I understand that you want your  
8 staff to do its own work and to make their own  
9 determinations. But at the end of the day, you all  
10 have the responsibility. So when our input comes in  
11 should be immaterial to the decisions that your  
12 staff is making; right? I mean, I'm trying to  
13 understand why you would want to restrict  
14 predecisional information. In normal cases that's  
15 because you don't want it released to the public.  
16 Well, we don't release information to the public  
17 without checking with the Department first to make  
18 sure that it doesn't contain any classified  
19 information or information that you don't want to be  
20 released to the public. So it's not that it's going  
21 to be going public; it's so that we can do our work.

22           So can you just help me understand why you  
23 would want to restrict us from seeing this  
24 information and getting the best input that you can  
25 before you make the decisions, rather than to come

1 to a conclusion and then argue about two different  
2 decisions based on two different viewpoints?

3 CHAIRMAN HAMILTON: Who is that addressed  
4 to?

5 BOARD MEMBER CONNERY: I'll start with  
6 Mr. Goodrum, and then if anyone else wants to chime  
7 in.

8 MR. GOODRUM: So I don't think I can speak  
9 to the data that was used by the Deputy Secretary to  
10 answer that question. But looking at it from an  
11 implementation standpoint at Los Alamos, I don't  
12 know how I could put a number to the dollars. But I  
13 go back to my original statement. You know, when  
14 they talk about predecisional -- and the Order does  
15 say on a case-by-case, which gives us the latitude  
16 and authority on a case-by-case to make  
17 exceptions -- but I go back to the principle that  
18 it's a gray area between making an informed decision  
19 you're accountable for and then putting you in a  
20 position that you're independently reviewing results  
21 of our decision.

22 And so in a few cases where we have formal  
23 documents, like safety basis, we have defined those  
24 as preliminary safety basis, submittal from the M&O  
25 partner, and when we're ready to make a

1 determination of acceptance of that safety basis,  
2 which I think are reasonable increments of time to  
3 share information, to collect feedback from the  
4 Board and from the staff that you can then factor in  
5 before decisions and operations begin.

6 BOARD MEMBER CONNERY: Anyone else want to  
7 chime in?

8 MR. HINTZE: Sure. I'll chime in on this  
9 one. So first off, I will definitely state that we,  
10 the Department of Energy, and certainly not us, EM  
11 Los Alamos, have cornered the market on technical  
12 knowledge. So it's always good to get input from  
13 folks.

14 What confuses me sometimes is when we keep  
15 talking about predecisional, because there's a  
16 spectrum of time. And so it seems like folks all  
17 can pick that time because, you know, at some point  
18 you have got to start with the brainstorming process  
19 where you're just throwing things around. And you  
20 talk about the point where you don't want to waste  
21 the time of your staff. So there's got to be some  
22 sort of start, and at some point you would say there  
23 is actually information that is of value. And so  
24 that's when, you know -- sometimes I get confused as  
25 to: Where along that process is the expectation

1 that the site residents will participate?

2           So I'm not advocating on any of them. I'm  
3 just saying, in a lot of cases, it's not so simple  
4 to say, where has that involvement begun? And so,  
5 yes, I'm all for, you know, early involvement,  
6 because that means that we get the best technical  
7 information to make the best decisions. It's just  
8 that I think that sometimes people get confused that  
9 it's very easy to pick what predecisional is in that  
10 spectrum; and it's not that simple.

11           BOARD MEMBER CONNERY: I appreciate that.  
12 And I would make a distinction. Our resident  
13 inspectors are our eyes and ears on the ground, and  
14 so they provide us with emerging information. We  
15 want them to have an understanding about how you  
16 make decisions, because that's what we're supposed  
17 to be overseeing, is how you are -- how you are  
18 regulating the contractor. That's what oversight  
19 is. So they're our eyes and ears on the ground.

20           A formal review, however, is something  
21 different. And when the Board determines it needs a  
22 document in order to do a formal review and then  
23 present to the Board a case for making a safety case  
24 to the Department, that is when the formal requests  
25 come in.

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1           And as far as the cost savings go, I just  
2 honestly am having a hard time buying that there is  
3 a cost savings from denying information that's  
4 statutorily allowed to the Board. I don't know what  
5 costs we're avoiding and what cost savings would be  
6 more than the cost savings of an accident avoided.

7           CHAIRMAN HAMILTON: Is there a question in  
8 that, or is that just a response?

9           BOARD MEMBER CONNERY: No, that was my  
10 soap-boxing.

11          CHAIRMAN HAMILTON: Okay. Thank you.  
12 Mr. Santos wanted to follow up.

13          BOARD MEMBER SANTOS: Thank you.

14          Mr. Roscetti, what percentage do you  
15 estimate of the staff's work or review work  
16 involves, you know, interactions with DOE, federal  
17 elements, and each contractor prior to the Board  
18 acting on them?

19          MR. ROSCETTI: I would hesitate to put a  
20 specific number on it, but I would say the large  
21 majority of the staff's review efforts involve  
22 interactions with the federal staff and the  
23 contractors that the federal staff employ at the  
24 defense nuclear facilities. We often review  
25 documents in the office. The documents are about

1 one-of-a-kind defense nuclear facilities. Sometimes  
2 it's hard to really understand the facility mission  
3 and how that mission is carried out without putting  
4 eyes on that facility and even interacting with the  
5 people that are charged with operating that  
6 facility. So for any review of a facility at a  
7 site, it involves interaction with the individuals  
8 at that site.

9 BOARD MEMBER SANTOS: So would you  
10 consider that your work would be incomplete if you  
11 don't -- as part of your independent analysis do not  
12 engage with the federal DOE counterparts prior to  
13 completing your work?

14 MR. ROSCETTI: I think that if we don't  
15 engage with the federal staff and potentially the  
16 contractors, that we run the risk of drawing  
17 conclusions that may not necessarily be accurate.  
18 But we could complete work without interacting with  
19 them. It gives us another data point to ensure that  
20 our understanding of the work that they have done is  
21 technically accurate and factually correct.

22 BOARD MEMBER SANTOS: And while the  
23 statute says that we do provide independent analysis  
24 and advice, for the panelists, do you consider it  
25 would be problematic if the Board started to

1 communicate their independent findings without  
2 engaging with the federal counterparts? For  
3 example, the contractor finishes the document, the  
4 document is provided to the staff, yet you need six  
5 to eight more months to make a decision. Do you  
6 consider it problematic if the Board starts to  
7 communicate prior to that without engaging because  
8 it's in their predecisional stage?

9 MR. HINTZE: I'll start. Of course that  
10 would be. Because without communications, you're  
11 going to have all sorts of different opinions,  
12 different directions; and you talk about increasing  
13 costs, I can guarantee it's going to be a greater  
14 increase in costs. So you definitely need that  
15 interface with that during the process as you're  
16 going through. So definitely.

17 MR. GOODRUM: So in the context, would we  
18 be so far along that the costs of recovery would be  
19 high? You know, there are some potentials that way.  
20 But I do think there's an inherent value in making  
21 sure that, A, we do a fair amount of initial work.  
22 As Mr. Hintze pointed out, sort of a brainstorming  
23 session of the value of a lot of interaction in that  
24 phase is probably not just as much. But I think  
25 once we get to the level that there's a concept of

1 the approach you're going to take, that that's when  
2 is the right time to share what is the logic of that  
3 concept, what are the merits of that concept, what  
4 are some of the weaknesses.

5 And I think at that point in time, that  
6 level of interaction -- and I would agree, that  
7 interaction needs to go back to the experts that  
8 originally formulated the data so that they can  
9 answer the questions on the analysis they did, the  
10 models that they used, and how they formulated the  
11 control set that they decided on.

12 MR. HARRELL: And I agree with  
13 Mr. Goodrum. I think it would be  
14 situation-dependent, obviously. But I think he hit  
15 the nail on the head. I have to agree with Steve.

16 BOARD MEMBER SANTOS: Thank you. I agree  
17 there's an optimum point. I just would like to see  
18 more discipline and definition from both sides on  
19 how we execute that. I haven't seen enough of that,  
20 and I think a little bit more discipline to identify  
21 that optimum point is in order.

22 Thank you.

23 CHAIRMAN HAMILTON: Board Member Roberson?

24 BOARD MEMBER ROBERSON: Thank you,  
25 Mr. Chairman.

1           Actually, I do have a question. I'm going  
2 to talk fast because I know we're running out of  
3 time. I know you guys are happy about that.

4           Anyway, I would just say, I believe all of  
5 you have nothing but the best of intentions. But  
6 the Board has had experience at many sites where  
7 there are people who want the Board to have access  
8 to information. Some of them have been your sites.

9           Implementation of the Order cannot be left  
10 to rely solely on the personality of the current  
11 participants in the process. The Deputy Secretary  
12 cited some key drivers in developing and issuing the  
13 orders to create more rigor, discipline, and  
14 predictability in the roles and interactions with  
15 the Board and its staff.

16           Our questions are not intended to impugn  
17 your good intentions, but to deftly read the  
18 guidance and determinations reflected therein.  
19 Therefore, concerns raised remain, even though you  
20 and your bosses' intentions and actions thus far are  
21 much appreciated. I guess my question is: Are you  
22 surprised that the Board continues to raise the same  
23 concerns that it's communicated in writing and in  
24 these hearings? Does it surprise you that we have  
25 these concerns?

1 MR. HARRELL: Yes and no. We have -- from  
2 the first two hearings, you have heard basically the  
3 same thing that you have heard today. But the fact  
4 that you're raising them with the field office  
5 manager level I think is different, and I think  
6 that's important.

7 I want to go back to what you said, ma'am,  
8 earlier about the personalities. Yes, there is a  
9 concern anytime anything is personality-driven. But  
10 one of the things the Department did when this Order  
11 rolled out was the training sessions. And in our  
12 case, for NNSA, Ike White, who you well know,  
13 provided that training and he made it very clear the  
14 direction we were going.

15 Personalities can all be different, but  
16 when the leadership says, "This is the way we're  
17 going to go," whether it's the way it's written in  
18 the Order or the way we're going to interpret and  
19 implement the Order, then that's going to make a big  
20 difference.

21 So yes, I do see that we are plowing the  
22 same field, but it's a difference. You have field  
23 office managers up here. We're not talking from the  
24 policy perspective. We're talking from  
25 implementation. And that's where the rubber hits

1 the road, that's where the actions are going to be  
2 done, and that's where the real relationships are  
3 going to be made.

4 BOARD MEMBER ROBERSON: Anybody else? You  
5 don't have to speak. I just want to say it.  
6 Thanks.

7 Thank you, Mr. Chairman.

8 CHAIRMAN HAMILTON: We are out of time,  
9 and I wanted Ms. Connery to ask a very brief last  
10 question, so I'm going to let her have the floor.  
11 We've only got a couple minutes.

12 BOARD MEMBER CONNERY: I'll try to be  
13 brief. So the final question which I pose to all of  
14 you is in similar fashion to our first two hearings.  
15 What we've heard here today regarding your  
16 interpretation and implementation of the Order at  
17 your sites does not match the literal words in the  
18 Order, and I think you just articulated that quite  
19 well. At the best, at best, the Order can be  
20 interpreted differently than we've heard today.  
21 This is particularly important looking forward as  
22 you move on your careers and different individuals  
23 fill their roles. As we said, you don't want it to  
24 be personality-dependent; that's problematic. And  
25 even though the leadership might have told you this

1 is the way we're going to implement, the leadership  
2 is also subject to change.

3           To me, words matter; words on the page and  
4 how they're interpreted matter. If you have an  
5 operation with a procedure in it, you don't let your  
6 operators interpret what that's supposed to mean.  
7 It has a literal meaning. And I think this Order  
8 has a literal meaning which is contradictory to, I  
9 think, how you want it to be implemented in the  
10 field. And I would reiterate what Ms. Roberson said  
11 about your good intentions. And we know -- I know  
12 most of you because I have worked in NNSA in some  
13 capacity for the past 20 years, and you are  
14 excellent managers and leaders and stewards of our  
15 facilities.

16           In my view, the Order should be suspended  
17 pending revisions to match the testimony we've heard  
18 during the course of the public hearings, although I  
19 did hear some disturbing things today about  
20 implementation and subjectivity of what the Board  
21 will be allowed to review.

22           We as the Board continue to interface with  
23 the Department and other stakeholders to that end.  
24 In the interim, I'd like to know what steps each of  
25 you will take going forward as the Order is

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1 implemented at your sites to ensure that  
2 implementation is consistent, unambiguous, and  
3 matches the promises that we've heard that this is  
4 not going to interfere with our ability to do our  
5 job, which is congressionally mandated.

6 Thank you.

7 CHAIRMAN HAMILTON: And in the interests  
8 of time, very short answers, please. If you want to  
9 provide other information later, you can provide it  
10 for the record.

11 MR. GOODRUM: Let's see. I would go back  
12 to our efforts at the Laboratory in order to codify  
13 the type behaviors that we have talked about that,  
14 in my view, are consistent with the new Order. I  
15 don't think they're inconsistent with the old Order  
16 because I said from the beginning, I have sort of  
17 operated with this type of a principle with the  
18 Board since back in the 1990s, and I think as  
19 demonstrated that when you make decisions, it's a  
20 pretty solid process, and I think if you look back  
21 over time, you can see that, yes, there was enough  
22 sharing of relevant information, and we'll get  
23 better at the timely part, in order to make sure  
24 that you're in a good position to provide comments  
25 in the timelines that we're progressing with.

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1 I do think when we get this new Order  
2 revised with Triad, that it will cut out a lot of  
3 the uncertainty that, at the working level, people  
4 have seen, which I think will help make  
5 improvements. But I don't think that there's  
6 anything that will be a fundamental change from the  
7 way that I have seen our relationship with the Board  
8 over the past decade.

9 CHAIRMAN HAMILTON: Mr. Harrell and  
10 Mr. Hintze, if you would like to provide answers for  
11 the record later, that would be fine.

12 We are out of time. And so I want to  
13 thank all four of the panelists for spending this  
14 hour-plus with us: Mr. Goodrum, Mr. Hintze,  
15 Mr. Harrell, and Mr. Roscetti.

16 We will now take a 13-minute break and  
17 we'll restart at quarter past the hour. Thank you.

18 BOARD MEMBER SANTOS: I want to make a  
19 statement here.

20 CHAIRMAN HAMILTON: Mr. Santos, very  
21 quickly.

22 BOARD MEMBER SANTOS: Yes, I just would  
23 like to extend an invitation to the panelists to  
24 accompany us and stay and hear the public  
25 perspectives. I think that could be very useful to

1 all of us. Thank you.

2 CHAIRMAN HAMILTON: We are in recess.

3 (Recess from 7:02 p.m. to 7:15 p.m.)

4 CHAIRMAN HAMILTON: At this time we'd like  
5 to reconvene our hearing for session 2.

6 Ladies and gentlemen, I have some good  
7 news and I have some bad news. The good news is:  
8 We have 19 people who have asked to make public  
9 comments. The bad news is: We have 19 people who  
10 have asked to make public comments. So what that  
11 means is that we are going to be ruthless to the  
12 point of extreme about limiting each person to five  
13 minutes. That's not because we don't want to hear  
14 what you have to say, but if everybody gets as much  
15 time as they want, we'll be here until way too late.  
16 So five minutes, please. And I have directed the  
17 general counsel to cut you off -- to give you a  
18 30-second warning and cut you off at five minutes,  
19 and I have told him that if he doesn't do so, that  
20 he needs to think about looking around for a new  
21 job. Yeah.

22 And also, I would offer that if you don't  
23 get your full five minutes to speak, you may submit  
24 your questions or your comments for the record and  
25 we'll include them in the record of the public

1 hearing.

2 Also, I would ask that you phrase your  
3 comments as comments. If they are phrased as  
4 questions, the Board is not obligated to answer  
5 them, but we will put them into the public record as  
6 such. But I'd prefer that you would avoid phrasing  
7 them as questions. They should be as comments.

8 So at this point I will turn over our  
9 proceedings to the associate general counsel,  
10 Mr. Joseph Gilman, to manage the public comment  
11 session.

12 Mr. Gilman.

13 MR. GILMAN: Yes, thank you, Mr. Hamilton.

14 So as Mr. Hamilton stated, at this time  
15 we're going to provide an opportunity for comments  
16 from interested members of the public. A list of  
17 those speakers who have contacted the Board was  
18 posted at the entrance to the room, and we have  
19 generally listed the speakers in the order in which  
20 they contacted us. I will call the speakers in this  
21 order and ask the speakers to state their name and  
22 affiliation, if any, at the beginning of their  
23 comments.

24 There is also a table at the entrance of  
25 the room with a sign-up sheet for members of the

1 public who wish to make public comments but didn't  
2 have an opportunity ahead of time to notify us. And  
3 I have the list of the folks who have signed up  
4 here. They will follow the folks who signed up  
5 initially.

6 To give everyone wishing to make a comment  
7 an equal opportunity, again we ask the speakers to  
8 limit their comments to five minutes. I will warn  
9 each speaker when they have 90 seconds remaining and  
10 then again when they have 30 seconds remaining.  
11 This is awkward, but I'm just going to chime in and  
12 let you know. The chairman will give consideration  
13 for additional time, if the schedule allows, at the  
14 end, which it probably will not because of how many  
15 speakers we have.

16 Again, as Mr. Hamilton said, I'll just  
17 reiterate: Remarks should be limited to comments,  
18 technical information, or data concerning the  
19 subject of this public hearing. And the Board  
20 members may question anyone providing comments if  
21 they so choose.

22 The first speaker for this evening is  
23 Trish Williams-Mello.

24 CHAIRMAN HAMILTON: And Mr. Gilman, I  
25 would suggest that you call out the next one on the

1 list so that person can be ready.

2 MR. GILMAN: Ah, yes. And so following  
3 Ms. Williams-Mello is Jay Coghlan. And I apologize  
4 if I ruin your name.

5 MR. COGHLAN: Coghlan.

6 MR. GILMAN: Coghlan.

7 MS. WILLIAMS-MELLO: Thank you all for  
8 allowing me this opportunity to speak this evening.  
9 My name is Trish Williams-Mello. I represent the  
10 Los Alamos Study Group. My colleague and husband,  
11 Greg Mello, is in Washington at the current time, as  
12 some of you saw him last week.

13 CHAIRMAN HAMILTON: Yes, we did. We met  
14 with him.

15 MS. WILLIAMS-MELLO: Good. I have  
16 corresponded and met personally with the DNFSB and  
17 its staff almost from the time of its inception in  
18 1988. And all of you have known both Greg and I in  
19 the study group for many years. We have been the  
20 DNFSB's champions and defenders for the majority of  
21 that time.

22 However, when we see mistakes being made  
23 or policies that desperately need changed or  
24 discontinued, or staff and Board who are guiding the  
25 DNFSB down a path of destruction, we will speak up.

1 We will write letters, inform the press, and  
2 generally not turn loose until things change for the  
3 better.

4 On March -- excuse me, on May 14, 2018,  
5 DOE adopted this Order that we're all addressing  
6 tonight, 140.1, which greatly restricts DOE  
7 communications with the DNFSB, eliminates direct  
8 communication between the DNFSB and DOE contractors,  
9 which, as everyone knows, are the sole operating  
10 staff in all DOE and NNSA nuclear facilities --  
11 excuse me -- and eliminates DNFSB oversight of  
12 Hazard Category 3 nuclear facilities, as we've  
13 heard, which comprise about 60 percent of DOE's  
14 nuclear facilities overall.

15 DOE's internal roll-out briefing that was  
16 leaked to our organization provides more background  
17 and detail. For example, the Los Alamos National  
18 Laboratory management and operating contractor at  
19 that time was part of the team that designed the  
20 Order. The Order would eliminate the formal DNFSB  
21 oversight for the majority of defense nuclear  
22 facilities, those judged by DOE not to have  
23 potential public health and safety consequences in  
24 the event of accidents, i.e., those categorized by  
25 DOE as Hazard Category 3 and below.

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1           The Order ends all formal DOE cooperation  
2 with DNFSB as regards worker safety per se, both  
3 workers in defense nuclear facilities as well as  
4 co-located workers in other facilities nearby. The  
5 only formal cooperation with the Board that is  
6 allowed under the Order is that which bears on  
7 public health and safety.

8           On August 28, 2018, the DNFSB held a  
9 hearing on the Order at which the DOE witnesses on  
10 hand made clear while informal cooperation and  
11 suggestions about worker safety are always welcome,  
12 DOE is no longer under any obligation to formally  
13 respond to DNFSB requests and concerns unless public  
14 health and safety are implicated.

15           DOE witnesses were Undersecretary Dan  
16 Brouillette; Associate Undersecretary for  
17 Environment, Health, Safety and Security, Matthew  
18 Moury; and Ike White, chief of staff for NNSA  
19 administrator Lisa Gordon Hagerty.

20           Upending three decades of prior mutual  
21 agreement and practice in this Order, DOE defines  
22 the public as not including workers. At that August  
23 28, 2018 hearing, the four DNFSB board members took  
24 turns condemning the new order overall and in  
25 eloquent detail, at times vehemently. In their



1 closing statements, Board members made clear their  
2 very dissatisfaction with the responses they  
3 received from the DOE witnesses.

4 At the outset of the hearing, it was noted  
5 by the acting chair that the new Order appeared to  
6 conflict with the Board's enabling legislation, as  
7 you have commented tonight, as well. We agree, and  
8 want to state for the record that this Order is  
9 illegal.

10 On August 15, 2018, in testimony before  
11 the New Mexico Legislature's Radioactive and  
12 Hazardous Materials Committee, Craig Leasure,  
13 principal associate director of operations and  
14 business for LANL, told that committee chairman,  
15 Jeff Steinborn, in response to Steinborn's questions  
16 as to his role in crafting the Order that, "I helped  
17 with the Order as one of the people on the team.  
18 But it is a federal order."

19 MR. GILMAN: Ninety seconds.

20 MS. WILLIAMS-MELLO: The staff cut recent  
21 Order, and related prior actions to weaken the Board  
22 are taking place as the Trump Administration seeks  
23 to ramp up acquisition of production facilities for  
24 new nuclear weapons, in particular for the  
25 production of plutonium pits, the mission of the

1 former Rocky Flats plant. Safety concerns loom  
2 large in plutonium pit production. LANL's aging  
3 main plutonium facility, PF4, has been dogged by  
4 persistent safety problems that have been and remain  
5 a focus of DNFSB concern. LANL proposals to build  
6 underground factory modules to expand pit production  
7 capacity rely solely on the passive confinement  
8 capability for accident mitigation and assumes that  
9 no active safety systems would be required.  
10 Emergency fire/water supply and electrical power,  
11 quote, "will not be designed, procured, or installed  
12 to nuclear code and standards."

13 MR. GILMAN: Thirty seconds.

14 MS. WILLIAMS-MELLO: NNSA also seeks to  
15 transform an existing radiological facility, the  
16 RLUOB, the radiological laboratory utility and  
17 office building, into a Haz Cat 3 nuclear facility  
18 without having designed or built the facility to  
19 nuclear standards. Under DOE Order, this facility  
20 and its workers would lie outside the DNFSB's  
21 purview, and apparently the DOE would not have to  
22 respond to --

23 MR. GILMAN: Time has expired.

24 MS. WILLIAMS-MELLO: -- design review by  
25 DNFSB of any of these facilities.

1           CHAIRMAN HAMILTON: Again, I apologize for  
2 being so ruthless. We will take the rest of your  
3 comments gladly, and put them in the record.

4           MS. WILLIAMS-MELLO: Yes. I have got  
5 copies.

6           CHAIRMAN HAMILTON: I appreciate it, and  
7 I'm going to apologize to you and I'm going to  
8 apologize to everyone else who's getting ready to  
9 speak. But we're just going to have to be ruthless  
10 on the time. Thank you.

11           MR. GILMAN: So I'll just remind you to  
12 submit your comments for the record. If you have  
13 them physically, you can hand them to the folks at  
14 the table at the back, or you can e-mail them to  
15 hearing@DNFSB.gov.

16           MR. COGHLAN: It's my time. So I'm Jay  
17 Coghlan, it's C-O-G-H-L-A-N, with Nuclear Watch  
18 New Mexico.

19           And you know, I'll start with my sincere  
20 thanks to the Board for coming out here to  
21 New Mexico. I and we very much appreciate that. So  
22 thank you so much.

23           First of all, I want to submit for the  
24 record what I have written on this blue piece of  
25 paper. If the audience wants some, they're in the

1 back. It basically asserts that the DOE Order is  
2 flat-out illegal. And I think the Board pretty much  
3 agrees with me, although, of course, you're not  
4 going to use the word "illegal." But you have  
5 consistently pointed out how the Order conflicts  
6 with the Board's enabling legislation. So I will  
7 simply take that a half-step further. The Order is  
8 illegal.

9 Now, Ms. Connery, who I admire quite a  
10 bit -- she has focused on the need for the Board to  
11 have access to predecisional documents, and that's  
12 what I'm going to focus on, as well. And in  
13 particular, design documents in facility  
14 construction. And she wondered out loud, you  
15 know -- DOE apparently has stated that there would  
16 be cost savings if they implemented the Order. And  
17 I want to suggest -- and this is kind of cynical on  
18 my part -- but this is where the cost savings comes  
19 in. Because I'm pretty familiar with both the  
20 plutonium facilities at Los Alamos and the uranium  
21 facilities at Y-12, and it was -- the single biggest  
22 thing that drove up costs at both the CMRR project  
23 and the uranium processing facility was the Board's  
24 expressed concerns over seismic safety. And as a  
25 result, NNSA had to abandon, because those costs so

1 dramatically escalated -- had to abandon the  
2 original designs in both cases.

3           So how can NNSA save money through DOE  
4 Order 140.1? Well, it's essentially to kill the  
5 messenger, you know, and thereby lower costs in  
6 facility construction. And it's my personal  
7 suspicion that this is the primary motivation behind  
8 DOE Order 140.1, particularly as NNSA seeks to  
9 dramatically ramp up plutonium pit production.

10           Now, you know, a lot of us could go on at  
11 length about pit production at Los Alamos, and the  
12 chronic -- the history of chronic nuclear safety  
13 lapses at Los Alamos have come to the light of day  
14 mainly because of the Board. And again, I think the  
15 motivation behind this is essentially to kill the  
16 messenger.

17           Now, I'm somewhat astounded when I hear  
18 DOE and NNSA officials here say stuff like, "the  
19 Order is not going to really change things, and it  
20 depends on who does it, and there's a lot of  
21 subjectivity," et cetera, et cetera.

22           Well, if the Order is not going to really  
23 change things, why have it? Withdraw it. You know?  
24 But again, I think there's a very calculated  
25 reasoning behind this Order, and what I think is

1 happening right now -- and I have also checked with  
2 congressional staff.

3 MR. GILMAN: Ninety seconds.

4 MR. COGHLAN: How many?

5 MR. GILMAN: Ninety seconds.

6 MR. COGHAN: Okay. I think DOE and NNSA  
7 is currently soft-pedaling the Order. And my  
8 understanding is that there's not real serious  
9 denial of access, but I think that will change  
10 later, as soon as the issue dies down a little bit.  
11 So I want you all to be on the lookout for that very  
12 thing.

13 Now, knowing that I have very little time  
14 left, you all have done such a good job on  
15 Los Alamos, as far as I'm concerned. Look at the  
16 MOX fuel fabrication facility at the Savannah River  
17 site, since now they want to convert that to pit  
18 production. There are many allegations of shoddy  
19 construction, endemic problems and, in fact, the  
20 U.S. Government has filed a False Claims Act against  
21 the contractor. So I'm urging the Safety Board to,  
22 first of all, be tenacious --

23 MR. GILMAN: Thirty seconds.

24 MR. COGHAN: -- in holding on to your  
25 right to review facility design with a particular

1 emphasis on upgrades at Los Alamos and the  
2 conversion of the MOX fuel fabrication facility at  
3 Savannah.

4           And since I'm out of time, I just will  
5 attempt to ingratiate myself with you all. You have  
6 done 30 years of outstanding service to the public,  
7 and don't let NNSA or DOE mess with you.

8           MR. GILMAN: Time has expired.

9           MR. COGHAN: Thank you.

10          MR. GILMAN: Thank you very much, sir.

11          The next speaker is Mr. Scott Kovac, who  
12 will be followed by George Anastas.

13          MR. KOVAC: Good evening. My name is  
14 Scott Kovac with Nuclear Watch New Mexico. Thank  
15 you, Chairman and Members of the Board. Good to see  
16 you.

17                I'd like to start with just an opening.  
18 You know, the DOE and the Atomic Energy Commission  
19 have had self-regulatory authority over radioactive  
20 materials from the beginning. DOE is used to  
21 getting their way. As a rule, DOE does not inspire  
22 public confidence. I mean, they have a very  
23 complicated job. But restricting the DNFSB doesn't  
24 help that.

25                If all requests for information under the

1 new Order should be documented, then all requests  
2 and responses, including denials, should be posted  
3 online. The Board does a good job on posting these  
4 documents now, and so does the DOE department  
5 representative. But it may be -- but it may need to  
6 be taken to the next level.

7 I'd like to see the DNFSB oversee EM sites  
8 more. These sites truly pose a long-term risk to  
9 the public. It feels sometimes like DOE is  
10 implementing DOE Order 140.1 specifically for the  
11 radiologic laboratory utility and office building at  
12 Los Alamos. The -- call it the rad lab. The rad  
13 lab is not designed as a Hazard Category 3 facility,  
14 you know, and the environmental assessment listed  
15 very many things that could go wrong: Fires,  
16 explosions, loss of confinement, many things like  
17 that.

18 But there are other things besides Hazard  
19 Category 3 that should be taken into consideration  
20 for a particular facility, such as throughput. You  
21 know, the EPA approved an operational scope of 300  
22 grams of plutonium-239 or equivalent annually. And  
23 in addition to that, other things besides just  
24 Hazard Category 3 must be taken into account. For  
25 instance, the performance category and the seismic



1 design category of the building.

2           You know, as we know, the rad lab, when  
3 originally completed in 2010, was categorized as a  
4 performance Category 2 facility, and 2 is the  
5 second-lowest out of four of those categories. But  
6 during a reanalysis, the review level earthquake was  
7 equal to a 2,500-year ground motion of -- or a PC3  
8 earthquake. The PC3 category is, you know, second  
9 less -- just below a reactor. So the rad lab, with  
10 400 grams of plutonium, if built today, should be  
11 built as a PC3 facility, but it was only built as a  
12 PC2 facility back in 2010, because it was originally  
13 built with 8.4 grams of plutonium in mind. So we  
14 have a nuclear facility, the rad lab meets the  
15 minimum seismic requirements for a nonnuclear  
16 facility, and for the whole building, and only meets  
17 the next level of safety requirements for a majority  
18 of the building. So all --

19           MR. GILMAN: Ninety seconds.

20           MR. KOVAC: -- all Hazard Category 3  
21 facilities are not created equal. So DOE seems to  
22 be maxing out their rad lab while lessening  
23 oversight at the same time. I would like to see  
24 that all existing Hazard Category 3 sites should be  
25 grandfathered in before this Order, if this Order

1 continues on, and not be exempt from DNFSB  
2 oversight. Thank you very much.

3 MR. GILMAN: Thank you very much, sir.

4 Next is George Anastas, followed by Joni  
5 Arends.

6 MR. ANASTAS: I'll cut to the chase here.  
7 You all have copies of my six-pages statement. And  
8 based upon over 50 years of nuclear radiation,  
9 occupational and environmental protection experience  
10 in industry, academia, and government, I am  
11 unambiguously opposed to Order 140.1 for the reasons  
12 articulated in my prepared statement, which you  
13 have.

14 For a good fraction of my career, I have  
15 been involved with DOE and its predecessor agencies  
16 on a variety of issues. This includes the general  
17 manager side of the Atomic Energy Commission. Some  
18 of you may be old enough to remember that.

19 In any event, most recently, I have been  
20 involved in the safety of the Waste Isolation Pilot  
21 Plant, including the preventable accidents that  
22 occurred in February 2014, plans by DOE to bury 30  
23 or more metric tons of weapons-grade plutonium at  
24 WIPP, the attempt by DOE to ignore the actual volume  
25 of waste buried at WIPP, and criticality issues at

1 Los Alamos National Laboratory.

2 In 1987, an American hero, John Glenn,  
3 introduced Senate 1085, the Senate version of your  
4 legislation. I believe Senator Glenn is right now  
5 looking down at DOE and shaking his head in  
6 disbelief at this attempt by DOE to obviate the  
7 DNFSB enabling statute and thus hamstring the Board.  
8 The Order makes it so very easy for DOE and its  
9 contractors to hide information; facts hidden in the  
10 shadows they do not want to come to light.

11 A quote comes to mind from The Wizard of  
12 Oz, and it perfectly fits this Order. "Do not look  
13 behind the curtain." Indeed, DOE is attempting to  
14 place an opaque curtain between what it and its  
15 contractors are doing, thus shielding what is going  
16 on from scrutiny by the Board, Congress, regulatory  
17 agencies, states, the media, and the public. It is  
18 inescapable that the independence of the Board must  
19 be protected and enhanced by Congress. Congress,  
20 the media, and the public should be outraged by this  
21 attempt by DOE to shroud its operations under the  
22 opaque mantle of that DOE order.

23 Since its inception -- and I met some of  
24 the early people: Herb Kouts, John Conway, Edson  
25 Case, and some of the others; Joe DiNunno. Since

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1 its inception, independence and integrity have been  
2 the hallmarks of the Board. Rigging the process,  
3 the fox guarding the hen house, or the dingos  
4 tending the sheep, and stacking the cards must not  
5 be tolerated by Congress, the media, and the public.  
6 The last time I checked, federal organizations,  
7 including DOE, are to follow the rule of law, not  
8 the rule of self-serving agency orders drawn up to  
9 circumvent the law.

10 MR. GILMAN: Ninety seconds.

11 MR. ANASTAS: If you have any questions,  
12 I'd be -- I have 87 and a half seconds to respond.  
13 Thank you very much.

14 MR. GILMAN: Thank you, sir.

15 Next is Joni Arends, followed by Don  
16 Hancock.

17 MS. ARENDS: Good evening, Mr. Chair and  
18 members of the Board. My name is Joni Arends, and  
19 I'm with Concerned Citizens for Nuclear Safety. And  
20 it's good to see you all, and thank you so much for  
21 coming to New Mexico. I would say due to the winter  
22 weather, a lot of people aren't here this evening.  
23 But we know that the record will remain open, and  
24 we'll be able to provide comments.

25 And congratulations on 30 years. I

1 remember when John Glenn, as George just said, you  
2 know, was so instrumental in bringing the Board to  
3 fruition, and for that we're forever grateful.

4 I wanted to thank you for your questions  
5 this evening, and I would respectfully ask that you  
6 put some kind of requirement on the speakers to say  
7 that they can't give their personal opinions, which  
8 some of them did this evening. It reminds me of  
9 during the Cerro Grande Fire, when officials with  
10 DOE and with LANL spoke at public meetings and said  
11 that it was their personal opinion that they  
12 couldn't send monitors up in the plume on planes.  
13 It was their personal opinion. I didn't want to  
14 hear -- the public didn't want to hear their  
15 personal opinion. We wanted to hear what their job  
16 told them that they needed to do in that emergency  
17 situation. So please consider putting that  
18 requirement on the speakers as we go forward.

19 So CCNS is particularly concerned about  
20 the Order restricting access to the Haz Cat 3  
21 facilities, including the RLUOB at LANL. Although  
22 DOE has stated at all three of the public meetings  
23 that the Order will not be implemented as written,  
24 as the public, we know that we can't believe what  
25 DOE says. And probably the classic example is that

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1 in 2011, in response to public comments about  
2 locating nuclear weapons work into other LANL  
3 facilities than the RLUOB, DOE stated in the final  
4 environmental impact statement the RLUOB was not  
5 constructed to address the security and safety  
6 requirements of Haz Cat 2 or 3 levels of nuclear  
7 material; thus DOE would not operate RLUOB as  
8 anything other than a radiological facility, which  
9 would significantly limit the amount -- the total  
10 quantity of special nuclear materials that could be  
11 handled in the building. As a result, the  
12 analytical chemistry and material characterization  
13 operations requiring Haz Cat 2 or 3 work could not  
14 be carried out in the RLUOB. And so now they have  
15 increased the amount of plutonium from 8.4 grams,  
16 which the facility was designed for, to 400, a  
17 46-time increase, when they told us in 2011 that  
18 that would never happen, and it's in the  
19 documentation and we'll submit that. We're very  
20 concerned about public health and safety and also  
21 worker safety. And --

22 MR. GILMAN: Ninety seconds.

23 MS. ARENDS: Thank you -- and would ask  
24 you to continue your request to suspend the Order.  
25 Because we know that DOE -- these folks are not --

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1 they're not going to be in those positions. It's  
2 not the personalities. It's what it says on the  
3 paper.

4 So again, thank you so much for coming to  
5 New Mexico.

6 MR. GILMAN: Thank you very much.

7 Next is Don Hancock, followed by John  
8 Heaton.

9 MR. HANCOCK: Good evening. I'm Don  
10 Hancock from Southwest Research and Information here  
11 in Albuquerque. I also thank you very much for  
12 coming, and I want to second a point that Mr. Santos  
13 said in his written vote on this hearing, that it  
14 would be good for the Board to have additional  
15 hearings, field hearings, which provide a good  
16 opportunity to hear the public, to meet with DOE  
17 officials, to meet with governmental officials, as  
18 you have done, and others. So I want to encourage  
19 you to do that.

20 My organization is also part of the  
21 Alliance for Nuclear Accountability, which has  
22 provided testimony at your two previous hearings. I  
23 have submitted additional written materials in  
24 December, and also tonight. But I also want to take  
25 to heart Mr. Santos' admonition at the start of this

1 hearing that we not get distracted, and so I want to  
2 encourage the Board in four areas.

3 I want to encourage our congressional  
4 folks who are here -- and I'm talking, as well, to  
5 their friends in Washington -- that they need to  
6 take action against DOE and this Order, as well.

7 So with regard to the Waste Isolation  
8 Pilot Plant, I want to reiterate tonight the request  
9 we made in our December 28 letter that the Board  
10 increase its staffing and, in fact, consider having  
11 resident inspector or inspectors at WIPP. It's a  
12 very important facility. You all have done good  
13 work there. But as I'm going to talk about in a  
14 minute, there is more that can and should be done.

15 We're especially concerned about the  
16 continuing safety problems at WIPP and the  
17 inadequate responses to the 2014 fire and radiation  
18 release, and we think the current way that WIPP is  
19 being operated and the safety problems could lead to  
20 similar incidents in the future.

21 We appreciate the Board's looking at these  
22 issues and pointing out some of the problems, but as  
23 you may know but many people in the audience may not  
24 know, DOE Office of Enterprise Assessment initiated  
25 an investigation on January 29 of 2019 of the



1 Nuclear Waste Partnership, the operating contractor  
2 at WIPP, regarding, quote, "the events occurring  
3 from July through October 2018" -- and get these  
4 words -- "include multiple overexposures to  
5 hazardous chemicals, including carbon tetrachloride,  
6 nitrogen dioxide, sulfur dioxide, as well as a  
7 series of heat stress incidents."

8           So all of these events have affected  
9 workers, have caused them to be exposed in ways that  
10 they shouldn't have been. I, of course, was aware  
11 of these incidents, in part, from the Safety Board's  
12 reports, long before this investigation came out.  
13 In some cases, I talked to Mr. Shrader, the WIPP  
14 site manager who was unable to be here tonight,  
15 about these problems.

16           But it's very important that the Board --  
17 we have demonstrated problems that are not being  
18 adequately addressed. It's very important that the  
19 Board stay involved. In fact, my next point is: I  
20 think the Board needs to get more involved --

21           MR. GILMAN: Ninety seconds.

22           MR. HANCOCK: -- particularly related to  
23 increased scrutiny of the new WIPP shaft that's  
24 being proposed and the underground drifts. This was  
25 originally called a new exhaust shaft. Obviously,

1 we don't need a new exhaust shaft. DOE has now  
2 admitted they don't need a new exhaust shaft. But I  
3 would particularly like the Board to pay close  
4 attention to a design for the new shaft which looks,  
5 again, like another of many DOE and contractor  
6 financial boondoggles, but the rush will lead to  
7 safety problems.

8           So for example, does the new design safely  
9 and adequately integrate with the existing  
10 underground footprint? How the ventilation system  
11 would ensure that an existing underground  
12 contamination doesn't spread to the new drifts and  
13 shaft. How ongoing ground control problems would be  
14 addressed in an even larger underground footprint.  
15 And the safety of multiple evacuation locations that  
16 would be created. And importantly, whether the base  
17 safety practices are being incorporated into the  
18 design. The representatives here tonight --

19           MR. GILMAN: Thirty seconds.

20           MR. HANCOCK: -- tried to indicate, as has  
21 been said, that there's not much change. We don't  
22 count on that being the case. We call upon Congress  
23 to take action against DOE and this Order and we ask  
24 very much for the Board to maintain and increase the  
25 effectiveness of the Board and staff to protect --

1 MR. GILMAN: Time has expired.

2 MR. HANCOCK: -- workers and public health  
3 and safety. Thank you.

4 MR. GILMAN: Thank you, sir.

5 Next is John Heaton, followed by Peter  
6 Ives.

7 CHAIRMAN HAMILTON: And I'm going to ask  
8 our audio-visual team if they could turn down the  
9 stage lights while we're listening to public  
10 comment, because we'd like to be able to look at  
11 folks, but the lights are really starting to be  
12 painful on our eyes. We'll turn them back up at the  
13 end.

14 MR. HEATON: Again, my name is John  
15 Heaton, and I'm chairman of the Mayor's Nuclear Task  
16 Force in Carlsbad. And I want to start off by  
17 saying thank all of you very much for being engaged  
18 with us and visiting the many times that you did to  
19 Carlsbad, and visiting with the community, and  
20 overseeing the recovery process. So thank you,  
21 again, very much for that.

22 Our task force is very concerned about the  
23 elimination -- about the institution of Order 140.1  
24 and the limits of physical, personnel, and document  
25 access that it imposes. We have numerous regulators

1 of WIPP, as you well know, but we have two that we  
2 think are really independent, and that is MSHA, in  
3 the mining arena, and then the Defense Board in the  
4 rest of the operation. So we think that you are  
5 very important, and it would be horrible to lose you  
6 in that position.

7 We typically meet with DOE, our group  
8 meets with DOE and the contractor usually twice a  
9 month and we get very well briefed, they are very  
10 open, they're very honest, very straightforward; but  
11 issues related to what events may occur sometimes we  
12 think get ignored, and we would like to hear about  
13 them, as well, and we think that you are the answer  
14 to that.

15 I think WIPP as a Haz Cat 2 facility and  
16 as I understand the Order -- and it was the pink  
17 block up on the graph -- is eliminated, frankly,  
18 from your strict oversight. And that is really of  
19 deep concern for us, as well. And we think that  
20 that restricts -- the restriction in that access  
21 violates the statutory authority given by the Board  
22 to protect health and safety.

23 As far as onsite oversight goes of  
24 personnel and people, we -- granted, we think that  
25 offsite personnel, our people that are potentially

1 exposed or have an issue, are very, very important.  
2 But we also think that the workers onsite are very,  
3 very important. They're our friends, our neighbors,  
4 they're the people that we go to church with, that  
5 we live with, and we think that they are very  
6 important, as well. And it's my understanding that  
7 much of that restriction won't be -- you will not  
8 have access to some of the personnel health and  
9 safety issues that relate to the workers. So that  
10 we think, again, is inconsistent with the Atomic  
11 Energy Act and with long-standing historical  
12 precedences that have occurred.

13 Sites have many hazards that have been  
14 pointed out and, in fact, since 2011, the Board was  
15 pointing out the fire hazard at WIPP and to no  
16 avail. There was no response to that. And then  
17 subsequently, the fire did occur. So there are many  
18 incidences at sites which are important that aren't  
19 necessarily radiologic that you also become engaged  
20 in.

21 MR. GILMAN: Ninety seconds.

22 MR. HEATON: You had a very good debate  
23 about access to information, and we agree with you  
24 that you should have access to whatever information  
25 you need, predecisional or otherwise.

1           Let me make a couple of comments about the  
2 fire and rad safety. While new DSA safety  
3 requirements are now in place at WIPP, many changes  
4 have been made in how materials are viewed and  
5 dealing with oxidizers, dealing with whatever; all  
6 of those are now in place, but it still takes  
7 oversight to make certain that those procedures,  
8 processes, are actually happening as they should be.  
9 The WIPP accident, as an example, is going to cost  
10 more than \$3 billion, and the cost --

11           MR. GILMAN: Thirty seconds.

12           MR. HEATON: -- to get back to normal will  
13 take about ten years. So open access is really a  
14 must, and cost savings approach for DOE  
15 justification versus strong oversight to forge good  
16 safety is really important.

17           So in closing, I just think that we're all  
18 very interested in you staying in place and doing  
19 the job that you were designated to do, and we  
20 appreciate what you have done in the past and look  
21 forward to working with you in the future. Thank  
22 you.

23           MR. GILMAN: Thank you very much, sir.

24           Next is Peter Ives, followed by Eric  
25 Vasquez.

1 MR. VASQUEZ: Good evening. I'm going to  
2 save you five minutes. My name is Eric Vasquez.  
3 Peter Ives is not able to be here this evening, but  
4 I'm with the same organization. I am the executive  
5 director of the Regional Coalition of LANL  
6 Communities. It's a cooperative alliance of nine  
7 communities in north-central New Mexico, all within  
8 the LANL shadow. And I'm going to read a prepared  
9 statement as requested by some of my -- on behalf of  
10 my board members.

11 First of all, thank you to the DNFSB for  
12 being here tonight, and to the New Mexico  
13 congressional delegation for making this hearing  
14 happen. We really appreciate this actually being  
15 onsite in New Mexico for this important discussion.

16 The Regional Coalition of LANL  
17 Communities, or RCLC, is an alliance of nine local  
18 governments in north-central New Mexico that are  
19 directly affected by Los Alamos National Laboratory.  
20 Members of the RCLC Board, who all serve as elected  
21 leaders in their respective communities, express  
22 uncertainty over the implications of Order 140.1, on  
23 the ability of the DNFSB to maintain effective  
24 oversight and review of DOE facilities.

25 In particular, the RCLC board members are

1 uncertain about the possible loss of onsite access  
2 and oversight of NNSA facilities near our  
3 communities. The RCLC understands that at the  
4 November 28 meeting, DOE stated that DNFSB would  
5 still have access to the sites, yet the language of  
6 the Order, as was discussed earlier and denied in  
7 the panel, implies that any such access could be  
8 constricted by DOE, NNSA, or other entities'  
9 definition of risk and restriction of access to  
10 certain sites.

11 Members of the RCLC request that any  
12 rewrite of this Order include clarification to  
13 ensure DNFSB maintains oversight authority at these  
14 sites, as the activities at these sites can directly  
15 affect our communities.

16 In addition, the RCLC board members have  
17 expressed concerns over the proposed restrictions of  
18 access to predecisional information, as this  
19 information may include issues that are pertinent to  
20 our neighboring communities around LANL. Such  
21 restrictions could make it impossible for DNFSB to  
22 provide input into DOE decisions that directly  
23 affect our citizens' lives. RCLC board members ask  
24 for clarification on whether this provision changes  
25 the DNFSB's authority to access the information it



1 needs to fulfill its oversight mission.

2 A copy of this statement has been provided  
3 to your staff for the official record, and we thank  
4 you again for being here this evening.

5 MR. GILMAN: Thank you very much, sir.

6 So next is June Ferrill, followed by Anna  
7 Hansen.

8 MS. FERRILL: I'm June Ferrill, and I'm  
9 with a Santa Fe group called the Nuclear Safety  
10 Advocates Group. NSAG, we call ourselves. And I  
11 wanted to thank you for this opportunity to be here  
12 and thank you for coming.

13 We support our New Mexico national labs,  
14 and we want them to be the best they can be. We  
15 advocate for safety, transparency about operations,  
16 and education to develop a safe work force. In  
17 Santa Fe, what happens in the labs directly affects  
18 us. Our friends, our parents, children, some of us,  
19 go to work every day at Sandia or Los Alamos.

20 The threat of radiation at LANL is too  
21 real for us. When accidents occur, health is  
22 impaired long-term and anxiety presents. Not only  
23 do we pay for accidents through loss of health and  
24 well-being, but the WIPP accident cost taxpayers  
25 billions of dollars. Now Order 140.1 takes WIPP off

1 the Board's oversight list and seems to imply the  
2 unthinkable: That LANL and Sandia may no longer be  
3 under the Board's oversight?

4           When there are safety issues, our  
5 communities need assurances that corrections are  
6 being made, and we need access to information. We  
7 can be part of the needed solutions.

8           NSAG used your reports to write the 2018  
9 New Mexico Democratic Party's nuclear safety planks.  
10 One of our planks states: "Our elected officials  
11 should advocate for continued public access to  
12 nuclear safety information."

13           We are concerned that Order 140.1 removes  
14 that access and transparency. But moreover, it  
15 limits the Board's role to only those matters that  
16 lie outside of DOE site boundaries. This limitation  
17 means that you, the Board, whom we've depended on  
18 since 1988, would no longer be protecting our  
19 workers' health and safety.

20           Another problem. Order 140.1 states, "DOE  
21 should speak with one voice." Speaking with one  
22 voice means closing out --

23           MR. GILMAN: Ninety seconds.

24           MS. FERRILL: -- divergent views. I  
25 taught an ethics seminar to the National Society of

1 Professional Engineers, and I used a case about the  
2 near-disaster of a nuclear meltdown at Davis-Besse  
3 Nuclear Power Station. The situation became so  
4 serious because decision-makers, including the NRC,  
5 didn't listen to all the concerns. A later report  
6 from the NRC recognized that error.

7 Information and transparency help prevent  
8 disasters. The Board offers an objective view  
9 because you don't have the pressures of profits,  
10 deadlines, bonuses, developing new programs. I keep  
11 hearing from this side that there's no real change.  
12 Well, we say --

13 MR. GILMAN: Thirty seconds.

14 MS. FERRILL: -- "If it ain't broke, don't  
15 fix it." So we need the Safety Board to have its  
16 original powers restored. Then we can feel safe in  
17 educating and sending our next generation of  
18 children to work in those labs. Thank you.

19 MR. GILMAN: Thank you very much, ma'am.

20 Next is Anna Hansen, followed by Dan  
21 Walsh.

22 MS. HANSEN: Good evening, Mr. Chair,  
23 members of the Board. My name is Anna Hansen. I'm  
24 an elected member of the Santa Fe County Board of  
25 County Commissioners. I'm here today on behalf of

1 my constituents in District 2 of Santa Fe County,  
2 all of whom live in proximity to Los Alamos National  
3 Labs, and a great many of whom receive their water  
4 from the County's water utility via the Buckman  
5 direct diversion downstream from LANL and a  
6 significant number who work at or near LANL.

7 I want to express my very serious concerns  
8 about the potential effect of DOE's Order 140.1 on  
9 the Defense Nuclear Safety Board's ability to  
10 perform its critical statutory duty.

11 In order to fulfill the mission of the  
12 Safety Board, the Safety Board must have access to a  
13 range of information regarding the design,  
14 construction, and operation of defense nuclear  
15 facilities such as LANL. My general concern is that  
16 Order 140.1 would improperly impede the Safety  
17 Board's ability to obtain the information that it  
18 needs from DOE staff and DOE contractors in order to  
19 fulfill its statutory mandate.

20 In particular, I am concerned that Order  
21 140.1 could result in DOE or DOE contractors  
22 improperly restricting access to and information  
23 about the defense nuclear facility to the Safety  
24 Board. I note that the enabling statute for the  
25 DNFSB, Safety Board, at 42 USC Section 2286c(A)

1 mandates that "the Secretary of the Department of  
2 Defense shall fully cooperate with the Board and  
3 provide the Board with ready access to such  
4 facilities, personnel, and information as the Board  
5 considers necessary to carry out its responsibility  
6 under this subchapter."

7           It stands to reason that the statutory  
8 requirement is there to ensure that the Board, its  
9 staff, and resident inspectors get the information  
10 and the access they deem necessary to fulfill the  
11 Safety Board's mission. However, the following  
12 provision of Order 140.1 appears to be in conflict  
13 with this statutory requirement for cooperation.  
14 First, the Order at paragraph 4B(2)(b) authorizes  
15 DOE departmental elements acting at the direction of  
16 the Secretary or the Secretary's designee to deny  
17 access to information where the person requesting  
18 the information does not need such access in  
19 connection with his or her duties.

20           This provision appears to grant the  
21 Secretary or the Secretary's designee blanket power  
22 to unilaterally determine what information the  
23 DNFSB, Safety Board, needs to know to perform its  
24 independent advisory function.

25           Second, the Order at paragraph 4B(2)(1)

1 appears to improperly limit DNFSB, Safety Board,  
2 access to only complete documents in two key areas.  
3 One is where documents contain DOE decisions on safe  
4 design --

5 MR. GILMAN: Ninety second.

6 MS. HANSEN: -- and operations and defense  
7 nuclear facilities with the example given in this  
8 document.

9 Third is the Order at paragraph 4B that  
10 could prevent DOE contractors from responding to  
11 otherwise proper requests for information or access  
12 to DNFSB without formal authorization from a  
13 designated DOE representative, basically, simply  
14 stated, to amount to a gag rule.

15 Fourth -- I'm editing my statement, but I  
16 have given it to the stenographer -- I also note  
17 that the Order at paragraph 7H provides a  
18 restrictive definition of public health and safety  
19 that appears to conflict with the provision of DNFSB  
20 enabling order.

21 I want to thank the Safety Board for  
22 coming to New Mexico.

23 MR. GILMAN: Thirty seconds.

24 MS. HANSEN: You are the people who are  
25 protecting us. You have been the only people who

1 are protecting us, and I am extraordinarily  
2 grateful, as an elected official, to know that you  
3 are there watching out for my constituents. It is  
4 incredibly important to me. I also want to  
5 recognize Senator Udall and Senator Heinrich for  
6 making sure that this hearing happened, because  
7 without their leadership in this state, we would be  
8 in really serious shape. So I'm grateful to them  
9 for all that they do for us.

10 MR. GILMAN: Time has expired.

11 MS. HANSEN: Thank you very much.

12 MR. GILMAN: Thank you very much, ma'am.

13 CHAIRMAN HAMILTON: And Commissioner  
14 Hansen, thank you for taking the time to meet with  
15 Board Member Santos and me earlier today. We  
16 appreciate it. I know you're a busy person, and we  
17 appreciate your taking the time.

18 MS. HANSEN: I'm grateful that you took  
19 the time to meet with me.

20 MR. GILMAN: Next is Dan Walsh, followed  
21 by Paul Griego. Dan Walsh? No?

22 Okay. We'll go on to Mr. Griego.

23 Okay. Moving down the list. Dr. Stanley  
24 Riveles.

25 DR. RIVELES: Thank you very much,

1 Mr. Chairman. I'm Stanley Riveles. I'm the chair  
2 of the Northern New Mexico Citizens Advisory Board.  
3 I'm here to present and to represent the  
4 recommendation of our board, along with Mr. Robert  
5 Hall.

6 Our recommendation, which we have included  
7 in your record for this meeting, is to suspend  
8 implementation of Order 140.1 pending clarification  
9 of how that Order will be implemented at LANL EM  
10 sites and how such implementation may differ from  
11 previous practice.

12 Despite what we've heard tonight, it is  
13 our view that the suspension of the Order is not  
14 OBE. It is not overtaken by events. And that  
15 despite the discussions that we've had here tonight  
16 and in your previous two hearings, that there has  
17 not been sufficient clarification of the  
18 implementation of that Order and of the  
19 inconsistencies between the language in the Order  
20 and the requirements of the law.

21 We believe, in particular -- let me just  
22 back up for just a second and say that our Citizens  
23 Advisory Board is an official FACA-type committee.  
24 That is, we are chartered by the Department of  
25 Energy to provide advice and recommendations. We



1 have two dozen members of our board representing all  
2 of the Northern New Mexico community, including the  
3 pueblos, of people, citizens, all the way from  
4 Las Vegas in Northern New Mexico all the way down to  
5 Santa Fe and Albuquerque.

6 We think that despite the discussions here  
7 today, many of the key issues that are of effect, of  
8 interest to New Mexico and New Mexicans have not  
9 been answered. In particular, for example, the  
10 question of the status of workers on the sites and  
11 the various categories of workers that might be  
12 excluded from the purview of the Safety Board. The  
13 status, for example, of staff and whistleblowers who  
14 might be concerned.

15 Let me add, in particular, that the  
16 question of WIPP is a binary question. Is it or is  
17 it not subject? And we saw a chart up there, that  
18 it remains a question. Our representatives,  
19 Senators Heinrich and Udall, have been strongly  
20 supportive of the Lab, but they have been also  
21 consistent in being skeptical about the effect of  
22 this Order, and we are disappointed -- they have  
23 worked hard to try to get the Order suspended. They  
24 did not succeed in the Congress, but we do not  
25 believe it is right for this Order to stand as long

1 as so many of the provisions of that Order have not  
2 been clarified.

3 Let me end by saying that I believe, with  
4 some other members of the board, that this is a  
5 question of public credibility, and I want to read  
6 you what we said in our recommendation: "That  
7 disagreement on the implementation of the law among  
8 executive branch agencies, as is currently the case,  
9 jeopardizes the health and safety of the public."

10 This is not merely a bureaucratic problem.  
11 By fostering the --

12 MR. GILMAN: Ninety seconds.

13 DR. RIVELES: -- perceptions of  
14 organizational conflict, it undermines public  
15 credibility. And I urge you to persist.

16 MR. GILMAN: Thank you very much, sir.

17 Next is Susan Gordon, followed by Janet  
18 Greenwald.

19 MS. GORDON: Thank you. My name is Susan  
20 Gordon. I'm here tonight representing myself.  
21 First, I want to thank the Board for coming to  
22 New Mexico. Ms. Roberson, it's been a long time,  
23 but we've had communications over the years. I was  
24 the executive director of the Alliance for Nuclear  
25 Accountability for 17 years. And I have to say how

1 amazing it has always been to work with the Board,  
2 because you have been open to hearing from the  
3 public and you have been open to hearing from people  
4 on both sides of the issues, those supporting the  
5 lab and those opposing the lab. And we all are here  
6 expressing our support for this Board and the  
7 importance of your mission.

8           So I share the sentiment that we need  
9 to -- you need to persist. We're here to help you.  
10 We helped you with your budgets at one time. We can  
11 do it again.

12           And I also wanted to comment on the  
13 answers that we got from the panel this evening and  
14 how much of that was reflected in personal  
15 statements. You know, I'm not going to change it;  
16 we're all going to get along. And we know that that  
17 is not, you know, a policy. That is not something  
18 that is legal, that can stand, and I know other  
19 people have commented on it this evening. I really  
20 appreciate that point, and I think that it's  
21 essential that that get recognized.

22           I don't support this Order. I don't think  
23 that it should be continued or even looked at as  
24 modified. We need to figure out how to stop it and  
25 put the responsibility back on the Board and let you

1 do your jobs, which you have done exceptionally over  
2 the years. So thank you.

3 MR. GILMAN: Thank you very much, ma'am.

4 Next is Janet Greenwald, followed by  
5 Marlene Evett. I might be mispronouncing your name,  
6 for the next person. Sorry.

7 MS. GREENWALD: Hi. Thank you for this  
8 opportunity. I'm Janet Greenwald. I'm  
9 representing, in part, Citizens for Alternatives to  
10 Radioactive Dumping.

11 There's really -- in this Order there's a  
12 falsity here, that you can separate the worker from  
13 the public. In the case of WIPP, this horrible  
14 accident that happened, I can't help thinking that  
15 if the supervisor had listened to the workers who  
16 said, "You know, there's something wrong with this  
17 drum; there's smoke coming out of it"; and the  
18 supervisor hadn't said, "Oh, just put the top on.  
19 It will be fine."

20 You know, through the years, I have been  
21 involved in monitoring these sites forever, and have  
22 been a confidante of people who work at these sites:  
23 WIPP, Rocky Flats, and LANL. And two things happen  
24 that make it difficult for workers to come forward,  
25 and this seems like now there's going to be another

1 hurdle.

2 First of all, the Department of Energy --  
3 there is not an atmosphere of openness. People are  
4 oftentimes afraid to come forward. They're afraid  
5 for their jobs. And oftentimes the people that  
6 really have the information are the people that are  
7 at the bottom of the stack, and there's that.

8 And then there's the culture. And the  
9 culture is, you know, see no evil, hear no evil, say  
10 no evil. I mean, through the years, I have gotten  
11 calls from people that our families are in terrible  
12 positions healthwise. And I say, "Well, you know,  
13 you can talk to someone about this."

14 And they'll say, "Well, we would be pushed  
15 out of our group of friends. We all work at the Lab  
16 together, and even though we're dying, even though  
17 there were mistakes made that we know about, we're  
18 not going to come forward."

19 So there are two hurdles. And now we have  
20 a third hurdle here. And it endangers all of us  
21 that the workers don't feel that they can speak out.  
22 As I say, it's a false separation. We can't be  
23 safe, we the public, unless the workers are able to  
24 come forward and say, "There's a problem here."  
25 There's something has to change."

1           So I want to thank you again for this  
2 opportunity to speak, and I'm just hoping that -- my  
3 grandchildren live right downwind from Los Alamos,  
4 and my oldest grandchild is 12 now, and --

5           MR. GILMAN:   Ninety seconds.

6           MS. GREENWALD:  -- and I know that I'm  
7 going to to have to tell her soon about all the  
8 stuff that goes on at Los Alamos, and stuff like  
9 that.  And I'm just hoping that I can -- that I can  
10 say sincerely to her that we are all trying to be as  
11 safe as we can with these dangerous materials that  
12 are just down the pike from where she's growing up.  
13 Thank you.

14           MR. GILMAN:  Thank you very much, ma'am.

15           Next is Marlene Perrotte, followed by  
16 Barney McGrath.

17           SISTER MARLENE PERROTTE:  Good evening.  
18 I'm Sister Marlene Perrotte, and I come here trying  
19 to be a voice for peace.  And nuclear weapons and  
20 the production of nuclear weapons, in my point of  
21 view, has been a sign of tremendous destruction.  
22 And I thank you for being here, because for many of  
23 us, you're the only ones that can be an extension of  
24 our consciousness and speak for the future.

25           I come to you in the context of what is

1 actually happening with our -- President Trump's  
2 administration. His nuclear policies, rescinding  
3 from nuclear treaties, all done by executive order.

4           And the gentleman that -- I thank you for  
5 talking about the public credibility. When there's  
6 no voice in these kinds of decisions that hold the  
7 very life of our planet, I would want to say just  
8 three things. The Department of Energy, the  
9 Department of Defense, should not, cannot be  
10 self-regulating.

11           And with respect to the Board's demand for  
12 information, this should not be discretionary, that  
13 they can decide whether or not they can -- they --  
14 the Department of Energy and the Department of  
15 Defense are not absolute power. We are not people  
16 seeking destruction and bullying; but rather, we  
17 really look to you to help extend the treaty that we  
18 have signed. And this is law. So thank you very  
19 much.

20           MR. GILMAN: Thank you very much, ma'am.

21           Next is Barney McGrath, followed by George  
22 Jones.

23           MR. McGRATH: Thank you for coming here  
24 tonight. My name is Barney McGrath. I'm a member  
25 of NSAG from -- June is one of my colleagues.

1 I have two points to make. Okay, I'm not  
2 a super-analytical person. I came here tonight to  
3 see the players and hear them interact with each  
4 other, and boy, was I surprised. You know, I  
5 believe Mr. Hamilton asked the panel if this DOE  
6 Order 140.1 had fixed anything. And Mr. Hintze  
7 replied that gaps were not filled or created by this  
8 Order. But the very next slide was a pie chart that  
9 showed over 60 percent of the facilities that you  
10 now oversee, I believe, you have oversight over,  
11 will not be covered under this Order.

12 Am I missing something? That seems like a  
13 gap to me. There's a gap.

14 Okay. And the second point I wanted to  
15 make -- no matter what he says, that's a gap -- was:  
16 I would like the Board to investigate the number of  
17 accidents from exposure to radioactivity before the  
18 Order was implemented and after the Order was  
19 implemented. So I understand that it was  
20 implemented in May of 2017, so -- or May of 2018, so  
21 that gives us about ten months now that it has been  
22 an Order; is that right? Okay.

23 So let's take the previous ten months.  
24 And there are numbers for the radiation exposure  
25 accidents for that. In fact, those numbers were



1 given to us at a meeting of the New Mexico Radiation  
2 and Hazardous Waste Committee, and those numbers for  
3 accidents for radiation exposure are in this pie  
4 chart that he gave to us at that meeting, and this  
5 pie chart shows 97 accidents, of which 6.6 percent  
6 were radiation exposure accidents. So that's about  
7 six. And over this reporting time period of 11  
8 months, that's pretty close to half of an accident  
9 per month, or every two months an accident.

10 So that's before the Order was  
11 implemented. And I'd like that to be compared to  
12 what accidents have happened since the Order was --  
13 because we want to know if the safety of the workers  
14 has been compromised by this Order. I think that's  
15 a good way to find out. Thank you.

16 MR. GILMAN: Thank you very much, sir.

17 Next is George Jones, followed by Joan  
18 Brown.

19 MR. JONES: So I am George Jones. And I'm  
20 also with the Nuclear Safety Advocates Group. I  
21 live in Santa Fe. I'm a CPA in both Texas and  
22 New Mexico. I started my CPA career with one of the  
23 major public accounting firms, an international  
24 firm.

25 That firm had a very rigorous quality

1 assurance process that it conducted on every audit,  
2 no matter how big or small. The process was  
3 predefined. It was not something you did just once.  
4 It happened several times during the course of the  
5 audit. And it involved a partner from another  
6 office coming down, somebody who had experience with  
7 that same industry, and they would have a lot of  
8 pointed questions. What were you looking at? What  
9 were you not looking at? What are your findings so  
10 far? What kinds of things could we tell our client  
11 that would help them to strengthen their financial  
12 controls?

13 Now, as far as I know, nobody has ever  
14 died from a bad audit. A few guys have gone to  
15 jail, but nobody has actually died. But the nuclear  
16 facilities -- nuclear weapons, nuclear waste,  
17 transportation of nuclear materials -- people can  
18 die, and people have died, actually, in the history  
19 of our country from accidents associated with those  
20 events.

21 We have been very lucky so far. We have  
22 not had a Chernobyl, we've not had something like  
23 what happened in Japan. We've had some near-misses.  
24 We've had Three Mile Island, Davis-Besse, Hanford,  
25 and you guys will know far more incidents than I'm

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1 aware of. To say that we haven't had an accident of  
2 size so far is the same kind of logic that was  
3 applied to the space shuttle program. It's the kind  
4 of logic that overlooked the O rings on Challenger,  
5 and it's the kind of logic that said, "The foam has  
6 been falling off all the time and hitting the wings  
7 of the shuttle and never has anything happened thus  
8 far."

9           So here's my final comment. And that is  
10 that if we can be spending \$5 billion to build a  
11 wall to keep out a few Mexican gangs, we can throw a  
12 half-billion dollars at this Board to strengthen  
13 their resources, improve their scope and  
14 capabilities, so that we don't have that tragic  
15 accident one day. Thank you.

16           MR. GILMAN: Thank you, sir.

17           The next speaker is the final signed-up  
18 speaker, Joan Brown.

19           SISTER JOAN BROWN: Good evening, Chair  
20 and Board. My name is Joan Brown. I'm a Franciscan  
21 sister, and I'm here speaking for myself. And as I  
22 have been sitting here, I think I might be speaking,  
23 too, for all of those mothers and fathers who are  
24 putting their children to bed tonight, or those  
25 grandparents who are doing the same, who have made

1 dinner for their families, who are living near the  
2 Labs here and the facilities that you so graciously  
3 and diligently have had the responsibility to  
4 oversight, and for all of those other places  
5 throughout the country. It's a very incredibly  
6 important position that you're in, and we're so  
7 grateful that there is that oversight in an age  
8 where there's less and less oversight to protect  
9 citizens and workers.

10           They say pictures are worth a thousand  
11 words, and I think the two graphs that are shown  
12 here in this handout are quite significant. If the  
13 public saw these and knew what powers were being  
14 taken away from you, which have been delegated to  
15 you, I think they would be appalled.

16           I'm also very concerned that WIPP is no  
17 longer going to be under your purview, and that's of  
18 a real concern.

19           So I guess as just an ordinary citizen, I  
20 would say: Stand firm. All of those parents,  
21 grandparents, children, all of us are really  
22 depending upon you and we're grateful for our  
23 legislature who have tried to address this Order  
24 140.1. As a layperson, it seems to me like what's  
25 happening is illegal. If it needs to go to the

1 courts, whatever you need to do, and whatever  
2 support you need from us to stand firm as being an  
3 oversight board for the well-being, human rights of  
4 the people that are concerned, we will -- we are  
5 behind you and are grateful. Thank you.

6 MR. GILMAN: Thank you, ma'am.

7 That does conclude the folks who have  
8 signed up in advance. We do have approximately 20  
9 minutes remaining of the public comment period. If  
10 there is anyone who wishes to give a comment at this  
11 time, you can approach the microphone, we'll give  
12 you an additional five-minute period.

13 Ma'am, please state your name and any  
14 affiliation you might have.

15 MS. MORGAN: Sure. Good evening. My name  
16 is Leona Morgan, and I'm with an organization called  
17 the Nuclear Issues Study Group. And I think tonight  
18 I'm mostly representing myself. I'm an indigenous  
19 person from the Diné people of the Southwest. You  
20 may know us as the Navajo Nation.

21 And I just wanted to say thank you for  
22 coming to Albuquerque and hearing us. It's always  
23 nice when we have hearings in the communities that  
24 are most affected. New Mexico has been severely  
25 impacted by the nation's defense programs, and I

1 just -- I've never met any of you guys. I hope you  
2 continue to exist and maybe someday I would be  
3 honored to work with you in the work that you do.

4           It seems like from a quick Google search,  
5 you know, I just Googled "mission of the DOE," and I  
6 know about the DOE and the DOD, and as far as I  
7 know, they don't care about people, and it's not  
8 within the mission statement that they have any  
9 concern or that they're charged with public health  
10 and safety, which is your role. And so I think it's  
11 imperative that this Board continues to exist  
12 because we do need checks and balances and  
13 oversight.

14           As an indigenous person and a person of  
15 color, I can just speak only to the history that I  
16 know about the impacts from the DOE, especially --  
17 it's probably not considered a nuclear facility  
18 right now, the past -- the uranium mines of the past  
19 that have been abandoned. I just want to give an  
20 example, a couple of instances that I see as sheer  
21 racism and oppression, and I would even call it --  
22 some of our friends, we refer to this legacy of  
23 radioactive contamination as nuclear colonialism,  
24 and one of my friends calls it a slow genocide,  
25 which, if you look at the definition of genocide

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1 under the UN, the United States is definitely guilty  
2 of this crime, because for us, as indigenous  
3 peoples, uranium mining has happened on our lands  
4 mostly, and the DOE has -- they counted about 4,000  
5 abandoned uranium mines that were used for defense  
6 purposes. So 4,225. However, the EPA has collected  
7 a total number of 15,000 or more mines that have  
8 uranium occurrence. And so we see this as the DOE,  
9 you know, not taking full responsibility for the  
10 impacts that have been caused by uranium mining.

11 And another instance of racism that was --  
12 you know, if you look at the weapons program,  
13 there's several instances of racism that the DOE has  
14 committed, and I think your Board should also  
15 include this in future responsibilities, such as the  
16 weapons testing of Nevada. The western Shoshone  
17 people can no longer return to their homelands  
18 because of the 900-plus tests that were done there  
19 that also affect the entire country. But also the  
20 Marshall Islands people -- of course, we all know  
21 some of the stories and the horrible instances of  
22 what has happened to their health and their public  
23 safety, which is --

24 MR. GILMAN: Ninety seconds.

25 MS. MORGAN: -- the responsibility of the

1 United States. And so because of this extremely  
2 horrible history, I can only venture to guess what  
3 the future would look like without a board like  
4 yourselves in place, if the DOE is allowed to move  
5 without any type of checks and balances and sharing  
6 of information and transparency.

7 So I want to thank you for your service.  
8 And yeah, that concludes my statement there. Thank  
9 you.

10 MR. GILMAN: Thank you very much, ma'am.

11 MR. ANASTAS: Is this on? George Anastas.  
12 Two questions for the Board, and then a comment.

13 How many technical staff are there on the  
14 Board? This includes resident inspectors and  
15 headquarters. What are you talking about? 50, 60?

16 CHAIRMAN HAMILTON: Again, sir, we're not  
17 going to take questions tonight. We'll take them  
18 for the record, but I don't want to go down that  
19 path. So I ask you to just make your statement.

20 MR. ANASTAS: The statement is: It's my  
21 understanding that the technical staff is less than  
22 100, and your budget is probably less than \$15  
23 million. And so my statement is that you all should  
24 go and ask for more money, because the efforts going  
25 on in the DOE complex requires boots on the ground



1 and lots of technical expertise. That's my comment.

2 Thank you very much for coming.

3 MR. GILMAN: Thank you, sir.

4 MS. GROTHUS: Good evening. I didn't  
5 intend to speak, but I'm going to, since we have a  
6 few minutes. My name is Barbara Grothus, and I grew  
7 up in Los Alamos. We are reminded here tonight that  
8 the accident at WIPP happened in 2014, which was  
9 apparently when the prior legislation that dictated  
10 what you were allowed to do and inspect and see, was  
11 still in place. This new dictate, we understand,  
12 came down in 2018. And yet we were told tonight, I  
13 believe, that the WIPP accident is ten years of  
14 taxpayer -- ten or longer years of \$10 billion for  
15 one accident that was caused from the negligence in  
16 Los Alamos? And that's with you in your role  
17 currently.

18 So that is not only a health and safety  
19 factor, but it is an enormous cost that has been  
20 laid on the taxpayers by the negligent behavior of  
21 the Laboratory under the prior dictates and  
22 inspections and rigorous -- theoretically rigorous  
23 investigation and oversight of their behavior.

24 And this failure to have a culture of  
25 safety in Los Alamos is extremely concerning with

1 this new regime. And I just want to say that as a  
2 taxpayer, as a resident, as someone who grew up in  
3 Los Alamos and finds the colonial mentality of the  
4 Laboratory that has been imposed on this kind of  
5 nuclear -- well, it's already been called  
6 colonialism. I'm likening it to the confederacy of  
7 the bomb, the story that Los Alamos has told about  
8 itself that has been untruthful and a coverup of  
9 their true mission, which is the destruction of life  
10 on our planet on a scale which we have not been able  
11 to comprehend until the catastrophe of environmental  
12 destruction that we are now facing, which has sort  
13 of almost gone beyond what has happened with the  
14 nuclear business.

15 Thank you very much for your long service.  
16 Thank you for being here tonight. And I appreciate  
17 that a few of the panelists from this side did stick  
18 around to hear from us. Thank you.

19 MR. GILMAN: Thank you, ma'am.

20 Anyone else?

21 MS. BONIME: My name is Karen Bonime. I  
22 have lived in New Mexico about 27 years. I  
23 remember -- I'm 76. I remember when I was about 12,  
24 or maybe younger, my mother told me that the AEC,  
25 the predecessor of DOE, was lying to the American

1 people in saying that nuclear -- the development of  
2 nuclear weapons was safe, that there was no danger  
3 to the public from nuclear weapons testing.

4 I grew up drinking milk from cows at a  
5 small dairy a quarter-mile from my house. And of  
6 course, it never occurred to me that there might be  
7 strontium-90 in the soil and in the grass and in the  
8 hay that those cows ate.

9 I met a woman, a Diné Navajo woman, who  
10 said that she was -- they were never given an  
11 explanation, but government people came to her home  
12 and asked her parents to save her baby teeth for  
13 examination. And she's pretty sure they were being  
14 analyzed for strontium-90 content and perhaps other  
15 radioactive substances.

16 This is the world I grew up in. When I  
17 was a senior in college, the Atmospheric Nuclear  
18 Test Ban Treaty was finally signed, and I was so  
19 relieved. I had -- I had worked in my own way  
20 towards that, by organizing talks at my college, and  
21 trying to spread awareness about how dangerous those  
22 tests were.

23 I remember reading that Linus Pauling, the  
24 physicist, whose textbook some of my chemistry  
25 class -- the more advanced people -- used -- we were

1 given a choice of three textbooks at Harvard --  
2 depending on our background. I had had no high  
3 school chemistry, so I took the more elementary  
4 book. And he predicted that there would be a 1  
5 percent increase in child leukemias attributable to  
6 the nuclear testing.

7           And I just feel from my readings and in my  
8 observation of the world around me in this country  
9 that Los Alamos and probably all the other sites  
10 have cultivated a culture of secrecy, which was  
11 necessary during World War II, when I was born, but  
12 was certainly hardened and made like stone. In its  
13 name, in the name of nuclear -- of defense and  
14 safety and the national interest, people were  
15 sacrificed. People here in New Mexico and people in  
16 Chicago and San Francisco and especially Rochester,  
17 New York, where --

18           MR. GILMAN: Ninety seconds.

19           MS. ^BONEIM: -- where a total of 18 or  
20 19 -- I think it was 18 people were injected with  
21 plutonium, deliberately, without their knowledge or  
22 consent. You can read about it, if you haven't, in  
23 the book by an Albuquerque reporter who wrote for  
24 the Tribune -- which the Albuquerque Tribune no  
25 longer exists. But she found out accidentally, when

1 she was doing research on animal experiments during  
2 the war and after -- she found out that -- because  
3 there was a footnote that hadn't been redacted. And  
4 the two words that jumped out at her were "and  
5 human." Human experiments.

6 She went on to write a 400-page book with  
7 100 pages of bibliography and 100 pages of footnotes  
8 that I advise you all to read. It's called The  
9 Plutonium Files. But it goes way beyond the 18  
10 people who were injected with plutonium.

11 MR. GILMAN: Thirty seconds.

12 MS. BONIME: Tens of thousands pregnant  
13 women were give radioactive iron and told it was a  
14 vitamin cocktail they were drinking. And some  
15 children died after they were born, maybe 11 years  
16 later, after a lifetime of illness.

17 We need you. We need your oversight. And  
18 I pray that you will not give up this fight to get  
19 the information you need to do your jobs.

20 Thank you for coming, and bless you all.

21 MR. GILMAN: Thank you, ma'am.

22 I think we have time for one more speaker,  
23 if there's anyone.

24 Hearing no more speakers, I would like to  
25 again thank each and every one of our public

1 commenters for coming and speaking and each of you  
2 for attending. And at this time I will turn the  
3 proceedings back over to Mr. Hamilton for closing  
4 remarks.

5 CHAIRMAN HAMILTON: Thank you, Mr. Gilman.  
6 I will now ask my fellow Board members for their  
7 closing remarks, and we'll end with my own.

8 Board Member Santos.

9 BOARD MEMBER SANTOS: Thank you,  
10 Mr. Chairman, fellow Board members, members of the  
11 public for your great comments and insights. They  
12 mean a lot. And you have my commitment to continue  
13 to work for the public health and safety. That's  
14 what we're here about, public health and safety of  
15 everybody.

16 So I'm not getting caught up in labels or  
17 constructs. Just the health and safety of  
18 everybody. And I'm not going to be distracted by  
19 orders or rules or -- we got to do our jobs.

20 So I was reflecting on one of the best  
21 ways to really have a fulfilling and meaningful life  
22 is by serving others. So we, the DNFSB Board  
23 members, our excellent staff, and all the DOE  
24 federal employees that are associated with the  
25 defense nuclear complex, we've been given a great

1 opportunity to serve others by being public  
2 servants. Public trusts have been placed on all of  
3 us, and with it comes great responsibility,  
4 especially when dealing with the complexities of  
5 nuclear safety.

6           So my message is to all the federal  
7 employees, including myself, the Board, and DOE  
8 employees: Our actions should always be  
9 commensurate with that responsibility given to us,  
10 and our actions should be designed and implemented  
11 to increase public confidence, credibility, and  
12 trust; not less. Today it's Order 140 and it is not  
13 an action in the direction of increased trust and  
14 service to the public.

15           I am convinced DOE and its leadership can  
16 still achieve its goals of increased accountability  
17 for its safety responsibilities without eroding  
18 public trust, creating anxiety, and without  
19 challenging the rule of law.

20           I look forward to continuing interactions  
21 and I encourage fellow Board members to expand this  
22 series of hearings regarding DOE interfaces with the  
23 Board, the importance of oversight in providing  
24 adequate protection of public health and safety, to  
25 other states where defense nuclear facilities can

1 continue, so we can continue to engage with the  
2 public. So as soon as I get back, I'm going to be  
3 proposing an action for Board consideration so we  
4 can do the next hearing at one of the sites.

5 That concludes my closing remarks. Thank  
6 you.

7 CHAIRMAN HAMILTON: Thank you, Mr. Santos.  
8 Board Member Connery.

9 BOARD MEMBER CONNERY: Thank you,  
10 Mr. Chairman. Somebody quoted the Wizard of Oz  
11 earlier, which was unique. But since he did, I'm  
12 going to also quote the Wizard of Oz and state that  
13 there's no place like home. And these facilities  
14 are in your homes, not in our backyard. And I  
15 appreciate the fact that you have welcomed us here,  
16 welcomed us to New Mexico, to your home, and I  
17 understand that the laboratories, Sandia and  
18 Los Alamos and WIPP, are a source of pride for the  
19 communities, as they should be, because of the great  
20 scientific achievements over the past, but also a  
21 source of grave concern.

22 And that's one of the reasons why we --  
23 it's important for us to come out and hear from you.  
24 And I would remind you to recognize the pluses of  
25 having these great resources within your communities



1 in addition to the concerns. I'm an optimist, so I  
2 believe that my colleagues at DOE are acting as they  
3 perceive in the best interests of both the nation  
4 and the communities that they serve, and that  
5 they're doing what they can, in their minds, for  
6 public health and safety as well as to be good  
7 stewards of public coffers.

8 That being said, as we said a couple of  
9 times tonight, the words on the page don't reflect  
10 the words that we heard from some of our colleagues,  
11 and we don't know what's going to happen along the  
12 way.

13 Additionally, when you write an order like  
14 DOE 140.1 and you put it in the public domain, your  
15 staff members, our staff members -- it becomes part  
16 of their psyche, and they start second-guessing what  
17 it is they're doing and how it fits into the Order.  
18 So there could be unintended consequences, and we  
19 may be actually doing more harm just by having the  
20 Order out there and having it not rescinded, because  
21 they feel frustrated by the Order and constrained by  
22 it already, and it has affected even how some of my  
23 Board members and my staff have reacted over time.

24 Our responsibility and the mission of our  
25 agency is to oversee DOE, but it's also to provide

1 you with the confidence that the Department is doing  
2 its job. Therefore, in my opinion, the Department  
3 should have a vested interest in making sure that we  
4 can do our job well and that we can protect --  
5 project that confidence to the public. It is clear  
6 from public comments tonight that we might not have  
7 achieved that goal today.

8 I also want to make sure that you can take  
9 comfort in the fact that DOE Order 140.1 is DOE's  
10 Order. It's for DOE. I don't adhere to that. I  
11 have a statute, and as long as I'm in this position,  
12 it's the statute to which I'm going to adhere. And  
13 I think my fellow Board members will echo that  
14 sentiment.

15 So thank you for your hospitality, thank  
16 you for having us here, and we hope to see you soon.

17 CHAIRMAN HAMILTON: Thank you,  
18 Ms. Connery.

19 Board Member Roberson.

20 BOARD MEMBER ROBERSON: Thank you,  
21 Mr. Chairman.

22 First of all, I want to say thank you to  
23 all of you who have endured through the evening, and  
24 thank you for coming out to be a part of this  
25 hearing.

1           Somebody quoted the Wizard of Oz, and I'll  
2 leave that to Ms. Connery. But several also  
3 referenced Senator Glenn, and we have all -- I  
4 certainly spent a lot of time studying not just the  
5 legislation, but the legislative record supporting  
6 the legislation. And Senator Glenn was very clear:  
7 There are a lot of reasons for the Board, but one  
8 reason, one of the primary reasons he thought the  
9 Board was essential, was to provide independent  
10 oversight to make sure that the Department did not  
11 become overconfident or complacent in assuring  
12 adequate protection of the public.

13           I thank you for your confidence in the  
14 Board in continuing to perform that role, and we  
15 will continue to persevere. Thank you.

16           CHAIRMAN HAMILTON: Thank you,  
17 Ms. Roberson.

18           I will now offer my personal closing  
19 remarks.

20           We've heard a lot in the three hearings  
21 that we've had on this subject. But as I stated in  
22 the first hearing in August, the primary question  
23 for me remains: Is DOE Order 140.1 consistent with  
24 the Atomic Energy Act? In my view, it is not, for  
25 several obvious reasons. Among them: The Order

1 claims to exempt the DNFSB oversight from Hazard  
2 Category 3 and radiological facilities. But hazard  
3 categories are a DOE construct, nowhere articulated  
4 in the Atomic Energy Act.

5           The Order claims to limit the adequate  
6 protection of the public health and safety to people  
7 only beyond the site boundary of a defense nuclear  
8 facility, thereby excluding workers' safety and the  
9 safety of others onsite from Board's oversight.  
10 This cutout is nowhere articulated in the Atomic  
11 Energy Act.

12           The Order claims to exempt the Board's  
13 oversight in situations where the Department of  
14 Energy determines that the adequate protection of  
15 the public health and safety is not adversely  
16 affected, thereby making the Secretary of Energy the  
17 arbiter, a specious and circular argument, given  
18 that the Atomic Energy Act directs the Board to  
19 opine and offer recommendations on that very  
20 question.

21           We have heard repeatedly from DOE  
22 representatives that they really don't mean what  
23 they wrote, or at least they really don't intend to  
24 follow what they wrote. Not only is this a curious  
25 position coming from representatives of our

1 government; it is a particularly bizarre argument  
2 coming out of the nuclear culture that has set the  
3 standard for following the written rules to the  
4 letter.

5 This concludes my personal remarks. I  
6 would now like to again thank the witnesses and the  
7 organizations and speakers today for supporting this  
8 hearing. I also want to thank all those who  
9 attended either in person or via the Internet.

10 Our goal for this hearing was to gather  
11 information on the Department's implementation of  
12 Order 140.1 by DOE field offices and to hear from  
13 interested members of the public.

14 This was the third in a series of three  
15 hearings regarding Order 140.1. This evening we  
16 heard testimony from field office managers for the  
17 National Nuclear Security Administration's  
18 Los Alamos and Sandia Laboratories and the  
19 environmental management at Los Alamos, as well as  
20 from you, the public.

21 The Board will consider the information  
22 gathered this evening to inform any actions that we  
23 may have regarding these issues.

24 Once again, I thank everyone for  
25 participation. The record of this proceeding will

1 remain open until March 21st. This concludes this  
2 public hearing of the Defense Nuclear Facility  
3 Safety Board. These proceedings are closed.

4 (The proceeding closed at 8:54 p.m.)  
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Date taken: February 21, 2019

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