

## **APPENDIX 6: COMMENDATIONS REGARDING DEFENSE NUCLEAR FACILITIES SAFETY BOARD PERFORMANCE**

The Board has received many compliments over the years for the superior quality of its oversight activities, the exceptionally high caliber of its technical staff, and the atmosphere of openness and responsiveness which marks its operations. These commendations have been received from a multitude of sources, including Congress, the Department of Energy, other federal agencies, professional organizations and public interest groups, and members of the public in general.

### **Congressional**

- The Senate Committee on Armed Services stated in its report on the National Defense Authorization Act for Fiscal Year 1999, “The committee notes that DNFSB continues to provide exceptional and effective external oversight with a budget that equals about one-tenth of one percent of total Atomic Energy Defense funding.”<sup>1</sup>
- On April 24, 1998, Representatives John Spratt, Norm Dicks, David E. Skaggs, Mac Thornberry, Doc Hastings, and Lindsey Graham, wrote to Representative Joseph M. McDade, Chairman, House Subcommittee on Energy and Water Development,

We are writing to express our full support for the vital public and worker health and safety oversight work of the Defense Nuclear Facilities Safety Board. . . . Since 1992, the Board has sent almost 100 written communications to DOE regarding issues and observations that affect the safety of weapons activities and facilities. These upgrades stimulated by Board action are being accomplished throughout the nuclear weapons complex. We believe the Board’s actions reduce the possibility of accidents that would adversely affect DOE’s ability to continue its weapons missions. . . . The Board’s statutory mission to ensure that worker and public health and safety is adequately protected at DOE’s defense nuclear facilities has and will continue to be important in maintaining DOE’s attention to safety. We have found the Board to be a constructive partner in its oversight role, whether the mission is accelerated closure of a DOE site or the continued safe operation of the Nation’s nuclear weapons stockpile and components program. . . . The technical expertise of the Board continues to be needed to provide added assurance to the Congress and the public that DOE is implementing a sound program for the safe management of the production and use of defense nuclear materials, a program that provides reasonable assurance of no undue risk to the workers and the public, and protects the environment.

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<sup>1</sup> S. Rep. No. 189, 105th Cong., 2nd Sess. (1998).

- The Senate Committee on Armed Services stated in its report on the National Defense Authorization Act for Fiscal Year 1998,

The committee remains supportive of the DNFSB role in assessing and overseeing the Department of Energy's (DOE) defense related activities and believes this role should continue. . . . The committee notes that the DNFSB has successfully pushed the Department to improve nuclear safety and that the DNFSB's non-punitive review process has successfully created an improved safety culture at the Department of Energy facilities. The committee believes that the DNFSB serves an essential role in improving and making accountable DOE operations and should continue in its current capacity.<sup>2</sup>

- The Senate Committee on Armed Services stated in its report on the National Defense Authorization Act for Fiscal Year 1997, "Since the creation of the Defense Nuclear Facilities Safety Board (DNFSB) in 1988, the board has gained the bipartisan support and confidence of the committee. The committee is satisfied with the current relationship between the board and the Secretary of Energy."

It further states,

The committee commends the Defense Nuclear Facilities Safety Board for its participation in and completion of a Memorandum of Understanding with the Environmental Protection Agency (EPA), the Colorado Department of Public Health and Environment, and the Department of Energy. That memorandum should sensibly facilitate the application of the respective functions and resources of the board, EPA, and the State of Colorado in the fulfillment of the oversight and regulatory functions related to the Rocky Flats Environmental Technology Site Industrial Area. The memorandum is expected to maximize the effectiveness of oversight responsibilities and minimize duplication of regulatory efforts, resulting in overall progress toward the completion of cleanup and decommissioning work under the Department of Energy's control.<sup>3</sup>

- The Senate Committee on Armed Services stated in its report on the National Defense Authorization Act for Fiscal Year 1994, "The committee continues to fully support the Defense Nuclear Facilities Safety Board and notes the many problems that the Board has brought to the attention of the Secretary of Energy."

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<sup>2</sup> S. Rep. No. 29, 105th Cong., 1st Sess. (1997).

<sup>3</sup> S. Rep. No. 267, 104th Cong., § 3301.

The Committee report continues,

The Defense Nuclear Facilities Safety Board oversight and independent technical judgments are of significant importance to the local community as well. The committee notes the progress that the Board has made in involving the local communities in its work. The committee urges the Board to continue this effort and to expand its activities where possible.<sup>4</sup>

- Senator Strom Thurmond, commemorating Board Member Edson G. Case upon his death in 1991, said on the Senate floor, “Mr. President, the work of the Defense Nuclear Facilities Safety Board has been crucial in putting our nuclear deterrent on secure footing.”<sup>5</sup>

### **Local Government**

- Dianne Bosch, a commissioner with the City of Amarillo, wrote in 1994,

Accordingly, we support the continuing oversight of the Complex [Pantex] by the DNFSB, and recommend that its functions and programs be continued, with only those modifications which the DNFSB and the Congress deem necessary to carry out its functions more effectively. We do not believe that transition of the functions of DNFSB to other independent oversight arrangements would be advisable or cost effective.<sup>6</sup>

### **Department of Energy**

- On October 19, 1998, the Honorable Bill Richardson, Secretary of Energy, wrote to Chairman Conway, “In terms of the Board’s characterization of its role in overseeing the Department’s defense nuclear facilities and the overall status at these facilities, we agree that much progress has been made during the Board’s tenure and that the complex is a safer place.”
- On October 23, 1995, Thomas P. Grumbly, the DOE’s Assistant Secretary for Environmental Management, wrote to the Chairman Conway,

Thank you and your staff for focusing our attention on the structural degradation hazards in Buildings 776/777 and 771 at the Rocky Flats Environmental Technology Site (RFETS). Your letter dated August 3,

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<sup>4</sup> S. Rep. No. 112, 103rd Cong. (1993).

<sup>5</sup> 137 Cong. Rec. S13,177 (1991).

<sup>6</sup> Letter to Kenneth M. Pusateri, DNFSB, p. 1, October 7, 1994.

1995, addressed failure of both Department and contractor personnel to recognize the safety implications of known and apparent structural problems. The failure of the system for identifying, evaluating and correcting deficiencies and the potential for generic applicability to our aging facilities have become more apparent as we have investigated this concern. . . . We hope that your staff will continue to oversee our ongoing evaluation and will contribute to our correction of the problems in a timely fashion.

- Former Secretary of Energy, the Honorable Hazel O’Leary, said in a public meeting with the Board on December 6, 1994,

I want to focus, first of all, on your key question, which might be whether the Board has assisted the Department of Energy in identifying significant nuclear safety problems and helped us in correcting those problems. My response would be a resounding ‘yes’. . . . You sent and were sending, Mr. Chairman and members of this Board, when I arrived on this job, not only very strong signals about training, qualifications, and the requirement to keep technical competence within the Department of Energy, but you even went a step further and provided the technical insight which would help us to accomplish those goals.<sup>7</sup>

- In response to the discovery by Board staff of substantial deterioration in DOE programs to prevent the introduction of suspect/counterfeit parts into safety-related applications, the Under Secretary of Energy formed a Quality Assurance Working Group (QAWG) to restore DOE’s quality assurance program. In August 1996, Department of Defense investigators notified DOE that a vendor of semiconductor devices for high-reliability applications supplied DOE with potentially non-conforming parts. DOE applications for the parts included significant national security applications and applications in the Cassini space probe. DOE did not notify the necessary field elements until the Board brought the problem to the attention of the Under Secretary of Energy. DOE subsequently evaluated the adequacy of the parts in national security applications and determined that they would not compromise safety. Additionally, the Cassini probe was inspected for presence of the parts, thus averting last minute legal efforts to halt the launch of the probe.

The Board’s oversight and timely intervention in dealing with suspect/counterfeit parts has been pivotal in energizing the reestablishment of the DOE quality assurance program vital to ensuring public health and safety.

## **Professional and Public Interest Groups**

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<sup>7</sup> Fifth Annual Report to the United States Congress, *Public Hearings Before the Defense Nuclear Facilities Safety Board*, at 369, 1994 (transcript of public meeting with The Honorable Hazel O’Leary, Secretary of Energy, December 6, 1994).

- The Rocky Flats Citizens Advisory Board wrote in the Fall 1998 issue of its publication, *The Advisor*, “During that same year [1994], the Defense Nuclear Facilities Safety Board (DNFSB), a congressionally-appointed panel overseeing DOE’s nuclear work, issued Recommendation 94-1 regarding important changes which were needed to remedy potential ‘imminent hazards’ regarding the storage of plutonium.”
- *The Nuclear Examiner*, a publication of the Save Texas Agriculture and Resources (STAR) Coalition, stated in its March 1998 issue, “[F]ew people question the technical prowess the safety board derives from a staff with strong engineering and nuclear backgrounds, or its ability to provide useful and substantial information and insights to the public, including distilling reams of documents into a concise, readable format with few wasted words.”
- David R. Smith, Chairman of the American Nuclear Society Consensus Committee, wrote in May 1997, “As one who has devoted more than thirty-five years to nuclear criticality safety I thank and congratulate you and your staff for Recommendation 97-2, the most perceptive and accurate official recommendation regarding criticality safety that has been promulgated during the time I have been active in this field.”<sup>8</sup>
- Todd Macon of the Los Alamos Study Group wrote in March 1997, “We want you to know that your cooperation, professionalism, and diligence are greatly appreciated by those of us here at the Study Group.”<sup>9</sup>
- Mr. Glenn Bell, an officer of the Beryllium Victims Alliance and a worker at Oak Ridge, wrote in 1996 to express his appreciation for DNFSB staff efforts in identifying his needs as a victim of chronic beryllium disease to DOE officials who could provide needed workplace accommodations for his condition. With the assistance of the Board staff, Mr. Bell was able to obtain workplace accommodations which permitted him to continue to work at Oak Ridge.<sup>10</sup>
- Paula Elofson-Gardine, Executive Director of Environmental Information Network, Inc., wrote in 1994, “The accessibility of the DNFSB members and staff has been invaluable. We thank you for continuing to have an ‘open door’ policy that encourages the public and the workers to contact you at any time with information and/or concerns that can be investigated.”<sup>11</sup>

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<sup>8</sup> Letter to John T. Conway, Chairman, DNFSB, May 28, 1997.

<sup>9</sup> Letter to Gloria Jones, Management Analyst, DNFSB, March 4, 1997.

<sup>10</sup> Letter to Rick Schapira, DNFSB, October 10, 1996.

<sup>11</sup> Letter to Board Members (Attn: Dr. A.J. Eggenberger, Vice Chairman), p. 3, October 18, 1994.

- Samuel H. Cole, Executive Director of Physicians for Social Responsibility, wrote in 1994,

The DNFSB plays a critical role in overseeing operations at Rocky Flats and other sites in the weapons complex. Their role in protecting the public, workers and the environment should not be underestimated. Because of the public distrust in the way the Department of Energy and its contractors at Rocky Flats have operated the facility, it is imperative that an outside, independent entity like the DNFSB be able to have access to the facilities and make recommendations to the DOE on public health and safety issues. This creates a more credible arena for the DOE to operate Rocky Flats.<sup>12</sup>

### **Public**

- Mr. Faris M. Badwan wrote Dr. A.J. Eggenberger, Vice Chairman of the DNFSB, in 1994, “With its limited charter the Board has performed admirably in overseeing the nuclear safety at the DOE facilities. The value added by the Board is unmeasurable in assuring safety.”<sup>13</sup>

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<sup>12</sup> Letter to Kenneth Pusateri, DNFSB, November 9, 1994.

<sup>13</sup> Letter to Dr. A.J. Eggenberger, Vice Chairman, October 25, 1994.