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**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



September 23, 2010

Mr. Mark D. Sullivan
Mark D. Sullivan, P.C.
5237 HHR Ranch Road
Wilson, Wyoming 83014

Dear Mr. Sullivan:

The Defense Nuclear Facilities Safety Board (Board) has reviewed your letters dated April 27 and June 3, 2010. In these letters you request that the Board initiate an investigation of health and safety matters at the Advanced Test Reactor (ATR) at Idaho National Laboratory. For reasons explained below, the Board has determined that it cannot devote resources to ATR at this time.

As you may know, the Board's statutory jurisdiction is set forth in 42 U.S.C. § 2286g. That provision gives the Board jurisdiction over production and utilization facilities under the control or jurisdiction of the Secretary of Energy and operated for national security purposes. It is the Board's understanding that currently the primary defense-related mission of ATR is research and testing of components in support of the naval nuclear propulsion program. Navy nuclear propulsion activities are excluded from the Board's jurisdiction by 42 U.S.C. § 2286g(1)(A).

One activity at ATR, however, does fall within the Board's jurisdictional interests. The National Nuclear Security Administration (NNSA) supports a research project at ATR related to the production of tritium in commercial nuclear power reactors. This project (known as TMIST) is aimed at improving the confinement of tritium gas in burnable absorber rods, called TPBARS. As such, the project has both a production and a safety purpose. It does not, however, pose any special risks to the reactor's operations or increase the chances of off-normal events.

As of September 2010, the Board's total staff, including the five Board members, numbered 105. This limited staff must conduct oversight of many high-risk defense nuclear facilities in operation and review the design and construction of some \$20 billion in new facilities. The Board prioritizes its safety oversight activities predominantly on the basis of risk to the public and workers, types and quantities of nuclear and hazardous material at risk, and hazards of the operations involved. Based on these criteria, the Board cannot justify applying resources to the oversight of NNSA's tritium research project. Should ATR's mission change to incorporate more work within the Board's jurisdiction, the Board will revisit whether it should apply resources to safety oversight of this facility.

Please be assured that the Board takes your safety concerns seriously. The Board has forwarded your recent letters with attachments to the Department of Energy for information and action as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter S. Winokur". The signature is fluid and cursive, with the first name "Peter" being the most prominent.

Peter S. Winokur, Ph.D.
Chairman

c: The Honorable Thomas P. D'Agostino
The Honorable Warren F. Miller, Jr.
Mr. Glenn S. Podonsky
Mr. Richard B. Provencher
Mrs. Mari-Jo Campagnone