May 24, 2013

Defense Nuclear Facilities Safety Board
625 Indiana Ave NW Suite 700
Washington, DC 20004

Dear Dr. Peter S. Winokur, Chairman, and Members of the Board,

We respectfully submit these comments for the Public Hearing and Meeting concerning Safety Culture, Emergency Preparedness, and Nuclear Explosive Operations at Pantex.

Nuclear Watch New Mexico seeks to promote safety and environmental protection at nuclear facilities; mission diversification away from nuclear weapons programs; greater accountability and cleanup in the nation-wide nuclear weapons complex; and consistent U.S. leadership toward a world free of nuclear weapons. Nuclear Watch New Mexico has long been following operations of the NNSA and contractors of the nuclear weapons complex sites, including Pantex.

Nuclear Watch has a suggestion concerning safety culture for the operators of the Pantex Plant. Please include safety as a larger part of the annual Performance Evaluation Plans and Performance Evaluation Reports. These Plans and Reports evaluate and define how much of the potential award fees for managing and operating the Pantex Plant the M&O contractor will receive.

The FY 2013 Pantex Performance Evaluation Plan, dated August 2012, evaluates how much of the potential $40 million plus in awards fee that Pantex will receive for 2013. Looking at the FY13 Pantex Performance Evaluation Plan – it is only nine pages and very subjective. The Plan lists five Performance Objectives: nuclear weapons mission; national security mission; science, technology and engineering mission; security infrastructure, environment stewardship, institutional management and; contractor leadership. Safety culture is not mentioned.

Safety is mentioned in the Performance Evaluation Plan, but improving Safety Culture is not part of any award. For instance –
"The Contractor is accountable for successfully executing the work in accordance with applicable NNSA safety and security requirements while assessing its performance against the terms and conditions of the Contract. Protection of worker and public safety, the environment, and security are essential and implicit elements of successful mission performance. Accordingly, the model for this PEP is to rely on the Contractor's leadership in utilizing appropriate DOE contractual requirements or recognized industrial standards based on consideration of assurance systems, and the related measures, metrics, and evidence. The Contractor is expected to manage in a safe, secure, efficient, effective, mission driven manner, with appropriate risk management and transparency to the government." (Pantex PEP Pg. 2)

Safety is mentioned in regards to the Award Term Incentive, but only that significant safety incident might lead to elimination of an Award term. Was the Safety Culture impaired because of this?
"Award Term Incentive
To earn award term the contractor must meet the following criteria: Earn an adjectival score of Very Good in each of the Performance Objectives 1-5 and experience no significant safety or security incident during the performance period." (Pantex PEP Pg. 4)

There was a mention of safety in the operations section of the PEP. But here safety was listed with many

items, including business operations and legal risks. And there was no specific metric.
Deliver efficient, effective, and responsive environment, safety and health management and processes. (Pantex PEP Pg. 8)

There was a site-specific outcome to be looked at in the Plan concerning nuclear safety. Here it sounds as if there is no room for improvement of safety because it must just be executed. But once again, there was no specific metric.
"Successfully execute the engineering and nuclear safety programs while demonstrating continuous improvement in efficiency and effectiveness." (Pantex PEP Pg. 8)

Safety was listed as a contributing factor for successful contractor leadership with a focus on achieving compliant and effective safety.
"Create a work environment that achieves compliant and effective safety and security performance, and attracts the best and brightest scientist/engineers to execute our national programs." (Pantex PEP Pg. 9)

Nowhere is whistleblower protection mentioned.

If, in fact, a good safety culture is a priority, we would suggest that more concrete metrics and objective measures be put into future performance evaluation plans. There needs to be a contractual obligation for a good safety culture that is rigorously reviewed and subject to aggressive federal oversight, rather than the "eyes on, hands off" approach that is currently being promoted.

Any plans that are created to improve Safety Culture must be included in future Performance Evaluations. The NNSA Acting Secretary mentioned a plan that was conceived to address Safety Culture Issues at Pantex. How many times has NNSA or contractor proposed a plan as a solution to a problem? A corrective action plan is not a fix. We need exact measures. We need to stick to these plans. It happens so many times where plans are started but not followed through with. Safety should become an integral and weighted component of future performance evaluations and awarded incentive fees.
"We also developed a detailed plan for both correcting the contributing issues as well as establishing the controls and processes to keep us on a road to continuous safety culture improvement." (Written Testimony of Ms. Neile Miller Pg. 2)

Safety Culture Plans must look into the future. The need to improve safety culture is important, because Pantex is approaching the 20,000-pit storage limit and, in addition, new operations may be added. What plans to change safety processes are being made now to address these future issues?

The MOX fuel program, which was slated to draw down the inventory of stored plutonium pits at Pantex, has had its budget cut and may be scaled back or even canceled. A strong Safety Culture at Pantex becomes increasingly important as the Plant stores more and more plutonium, in the form of pits and otherwise. The Safety Board should address the likely need for additional pit storage facilities at Pantex, or alternatively possible safety issues (including the potential of increased risk of criticality incidences) should existing facilities begin to store additional plutonium pits.

These comments and questions respectfully submitted,

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