

Bruce Hamilton, Chairman
Jessie H. Roberson
Joyce L. Connery

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



The Honorable James Richard Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Perry:

On April 11, 2018, four waste drums at Idaho National Laboratory underwent over-pressurization, ejecting their lids and spreading radiological waste within a facility. Flammable gases generated by the waste may have played a role in the event.

On March 12, 2019, the Board issued a reporting requirement pursuant to 42 USC § 2286b(d) for data from DOE regarding flammable gas hazards associated with solid wastes. DOE provided a response on May 7, 2019, which was only partially responsive to the reporting requirement because it provided data relevant to the Idaho National Laboratory, but not other DOE sites.

DOE recently issued an Operating Experience report that formally initiates an extent of condition review that will, among other things, collect the data requested by the Board. DOE requested its field sites to report their results by October 31, 2019. Earlier, DOE's Office of Environmental Management had initiated a similar review at its sites, with a reporting date of September 30, 2019.

In recognition of DOE's current schedule, the Board is updating its previous reporting requirement. Pursuant to 42 USC § 2286b(d), the Board requests a response to the following questions, including analysis or supporting data, by November 15, 2019. Please provide this information directly to the Board via formal correspondence by the stated deadline.

- Has the department conducted an assessment to determine if defense nuclear facilities, beyond those at Idaho National Laboratory, have above-ground drums that have not had their flammable gas concentrations measured?
- Has the department identified any vented drums, beyond those at Idaho National Laboratory, that were sampled and found to have flammable or near-flammable conditions?

- Has the department identified other defense nuclear facilities, beyond those at Idaho National Laboratory, that have, or could have, solid nuclear wastes that include metal carbides?

Yours truly,

Bruce Hamilton
Chairman

c: Mr. Joe Olencz

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Flammable Gas Data Request Letter

Doc Control#: 2019-100-0043

The Board acted on the above document on 10/02/2019. The document was Approved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	09/27/2019
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/02/2019
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09/27/2019

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

Nicholas Moore

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: Flammable Gas Data Request Letter

Doc Control#: 2019-100-0043

DATE: 09/27/2019

VOTE: Disapproved

COMMENTS:

This correspondence, if approved, will require the Secretary of Energy, pursuant to 42 U.S.C. 2286b (d), to provide formal correspondence to the Board by November 15, 2019 addressing several questions related to the April 11, 2018 Idaho National Laboratory waste drum over pressurization and related complex-wide programmatic concerns. This is a follow-up reporting requirement to one issued on March 12, 2019, the response to which was deemed incomplete.

42 U.S.C. 2286b(d) authorizes the Board to, "... establish reporting requirements for the Secretary of Energy..." The Board should generally practice a narrow interpretation of its statutory authority to require reports. This authority should be used with discretion, such as when information has been difficult to obtain through informal staff-to-staff interaction or when periodic recurring reports on program status are warranted. 42 U.S.C. 2286b(d) authority should not be used as a mechanism to convey either an explicit or an implied suggestion for the Secretary to carry out an activity. In this case, that appears to be the message.

Likewise, 42 U.S.C. 2286b(d) should not be used as a surrogate for a formal Recommendation. In the event the issues identified by the Board, either individually or in their totality, challenge the "... adequate protection of the public health and safety ... ," the statutorily appropriate path would be to recommend action to the Secretary of Energy. In this case, there is no indication that this threshold has been reached.

I therefore disapprove.

Bruce Hamilton

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET


FROM: **Jessie Roberson**

SUBJECT: **Flammable Gas Data Request Letter**

Doc Control#2019-100-043

Approved X **Disapproved** **Abstain**
Recusal – Not Participating

COMMENTS: **Below** **Attached** **None** X



Jessie Roberson
Sept 27, 2019

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

SUBJECT: Flammable Gas Data Request Letter

Doc Control#: 2019-100-0043

DATE: 09/27/2019

VOTE: Approved

COMMENTS:

None

Joyce L. Connery