November 13, 2017

Mr. Sean Sullivan  
Chairman  
Defense Nuclear Facilities Safety Board  
625 Indiana Ave NW Suite 700  
Washington, DC 20004  

RE: Preserving an Independent Defense Nuclear Facilities Safety Board and DOE Oversight  

Dear Chairman Sullivan,

On behalf of the Energy Communities Alliance (ECA), I am writing to express our concern regarding your June 29, 2017 letter to Office of Management and Budget (OMB) Director Mick Mulvaney, which proposed the elimination of the DNFSB. As the communities that host and are most impacted—and will be for decades—by U.S. Department of Energy (DOE) (including National Nuclear Security Administration) activities, ECA believes that it is critical that an independent review board exists separate and apart from DOE.

Congress created the DNFSB due to a significant number of high-profile problems associated with DOE’s management of the nuclear weapons program, which could potentially cause real health and safety issues in our communities. In response to these problems, Congress’s intent in creating DNFSB was to create an oversight mechanism to: (1) review and evaluate the content and implementation of standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of DOE at each DOE defense nuclear facility; (2) investigate any event or practice at such a facility which the DNFSB determines has adversely affected, or may adversely affect, public health and safety; (3) have access to and analyze design and operational data from any DOE defense nuclear facility; (4) review and make recommendations to the Secretary regarding the design and construction of new DOE defense nuclear facilities; and (5) make recommendations to the Secretary with respect to all DOE defense nuclear facilities as necessary to ensure adequate protection of public health and safety.¹

While DOE has established internal review procedures, the presence of DNFSB as an independent, non-duplicative body adds needed trust to communities with high hazard and nuclear operations nearby. DNFSB is often viewed as the only semi-regulator of DOE and NNSA activities. It does not possess regulatory authority, but acts as a very important third-party that provides additional information on the actual risk and actions needed to be taken to mitigate

risk to the communities that would be most impacted by a catastrophic nuclear accident. As an organization made up of stakeholder communities adjacent to DOE activities, ECA believes DNFSB must not be eliminated in order to continue to fully address local concerns.

ECA acknowledges that DNFSB’s operations can and must improve. In particular, the Board at times has made decisions that impact DOE or NNSA project development due to a Board or staff member’s opposition to a certain project. Additionally, DNFSB has, on occasion, caused significant project delays and increased costs with DOE and NNSA rather than working with their respective offices.

While ECA believes that the DNFSB should be retained as a key independent organization that focuses on nuclear safety, all DNFSB recommendations need to come with a cost-benefit and risk reduction analysis. Further, DNFSB serves a key public role, but when it plans to propose an action that could impact the progress of the critical cleanup and health and safety mission, DNFSB should communicate directly with local governments and communities before that action is taken so it can have the benefit of the input from the communities most impacted by the recommendation.

ECA requests a meeting with you to discuss our concerns and ways in which we may improve communication and engagement between DNFSB and local communities. If you have any questions or concerns on this matter, please contact ECA Executive Director Seth Kirshenberg at (202) 828-2317.

Sincerely,

Councilmember Chuck Smith
Aiken County, SC
ECA Chair

Cc: Mayor Steve Young; City of Kennewick, WA; ECA Vice-Chair; County Executive Ron Woody; Roane County, TN; ECA Secretary; Councilmember Rick Reiss; Los Alamos County, NM; ECA Secretary; Councilmember Dick Doss; City of Carlsbad, NM; ECA Member-At-Large; Mayor Bob Thompson; City of Richland, WA; ECA Past-Chair; ECA Board of Directors; Seth Kirshenberg, ECA Executive Director; Megan Casper, ECA Program Manager; Vice Chairman Bruce Hamilton, Defense Nuclear Facilities Safety Board; Jessie Hill Roberson, Board Member, Defense Nuclear Facilities Safety Board; Daniel J. Santos, Board Member, Defense Nuclear Facilities Safety Board; Joyce L. Connery, Board Member, Defense Nuclear Facilities Safety Board