January 5, 2017

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

RE: Request for a Meeting; Preserving an Independent Defense Nuclear Facilities Safety Board and DOE Oversight; and Recommended Improvements in Board Communication

Dear Members of the Defense Nuclear Facilities Safety Board,

On behalf of the Energy Communities Alliance (ECA), I am writing to follow-up on our November 13, 2017 letter regarding Chairman Sullivan’s June 29, 2017 letter to the Office of Management and Budget (OMB) Director Mick Mulvaney, which proposed the elimination of the Defense Nuclear Facilities Safety Board (DNFSB). As the organization which represents communities that host and are most impacted—and will be for decades—by U.S. Department of Energy (DOE) activities (including those of the National Nuclear Security Administration (NNSA)), ECA believes it is critical that an independent review board exists separate and apart from DOE. We would like to know whether the board is changing its policies and oversight as a result of the Chairman’s letter.

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 mitigate risk to the communities that would be most impacted by a nuclear accident. As an organization comprised of

1 U.S. House. National Defense Authorization Act, Fiscal Year 1989, Conference Report (to Accompany H.R. 4481). (H.Rept 100-735). 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.
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. We would like to speak with the Board about our concerns raised in our previous letter. Specifically:

1. **DNFSB Should Work with DOE/NNSA to Develop Solutions to Problems Identified in Its Reports.** The host communities’ impression is that on occasion, DNFSB’s failure to work with DOE/NNSA has caused significant project delays and unnecessarily increased costs. Open communication is a key issue between DNFSB and DOE/NNSA. Currently, most state regulators and the Environmental Protection Agency have open communication on environmental issues. Although disagreements are regular occurrences, so are jointly-developed solutions—which keeps projects that impact health, safety and national security moving forward.

2. **DNFSB Must Communicate with the Communities Impacted by Its Reports and Decisions.** DNFSB used to notify the local governments impacted by DOE actions under investigation to help the community better understand the health and safety issues in their community. Since DNFSB serves a key public role, 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. Further, DNFSB must hold meetings in the communities that are actually impacted by the Reports versus holding them only at large cities – so the community that is impacted can attend the meetings. A good model to follow is where past DNFSB Boards met with the local elected officials in the meetings to get input from the local community.

3. **DNFSB Should Understand and Add a Cost Benefit Analysis to Its Recommendations.** Some DNFSB recommendations are not defensible or feasible from a cost perspective. DNFSB should undertake the analysis to understand what can actually be accomplished by DOE/NNSA. Budgets are real and the ability to change them should be accounted for in the analysis. Where feasible, DNFSB should include a cost-benefit and risk reduction analysis and consider all issues when making recommendations.

4. **DNFSB Staff and Members Should Recuse Themselves Where There is an Impression of Bias or Opposition to a Project.** Some communities have the impression that DNFSB at times has made decisions that impact DOE/NNSA project development due to a Board or staff member’s opposition to a certain project. ECA believes it is important for DOE/NNSA projects to be reviewed and analyzed carefully. However, where a staff or Board member has publicly stated that he/she is adverse to the project in the past, that person should not be analyzing the project on behalf of DNFSB. The Board must use the facts and not allow personal bias to be included in the reports.
ECA has not yet received a response to our request for a meeting with DNFSB, dated November 13, 2017. ECA welcomes the opportunity 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,

[Signature]

County Executive Ron Woody
Roane County, TN
ECA Chair

Cc: Mayor Steve Young; City of Kennewick, WA; ECA Vice-Chair;
Councilmember Dick Doss; City of Carlsbad, NM; ECA Secretary;
Councilmember Rick Reiss; Los Alamos County, NM; ECA Treasurer;
Mayor Rebecca Casper, Idaho Falls, ID; ECA Member-At-Large;
Councilmember Chuck Smith; Aiken County, SC; ECA Past-Chair;
ECA Board of Directors;
Seth Kirshenberg, ECA Executive Director;
Megan Casper, ECA Program Manager