

United States Senate
WASHINGTON, DC 20510

August 29, 2018

The Honorable Lamar Alexander
Chairman, Energy and Water Subcommittee
Senate Appropriations Committee
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member, Energy and Water Subcommittee
Senate Appropriations Committee
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Feinstein:

It has come to our attention that the Acting Chairman of the Defense Nuclear Facilities Safety Board (DNFSB), Bruce Hamilton, has announced a reform and reorganization plan for the DNFSB that will be effective October 1, 2018. The DNFSB is an extremely important independent oversight organization for the safety and wellbeing of workers and communities at defense nuclear facility sites. We rely on the DNFSB for steadfast and unbiased investigative power to ensure that the Department of Energy (DOE) facilities in our state are meeting the highest safety standards.

We are not aware of any formal proposal to the Appropriations Committees or Congress from the DNFSB to reorganize or eliminate staff. Therefore, we request that as you finish up negotiation on the Fiscal Year 2019 budget for Energy and Water Development, that you prohibit any funds from being used to support this reorganization, especially a reduction in staff. While some aspects of the Board's plan may have merit, we are not in a position to support the reorganization until it is fully vetted by Congress and the public for potential impacts to the health and safety of the public and workers who live and work in communities around these DOE sites.

We would also like to request that you include language in the final bill that suspends DOE Order 140.1, which on its face appears to restrict the amount of information the Board can access for its safety oversight work at DOE sites. The DOE issued the order on May 14, 2018 with no public notice or announcement in the Federal Register. On August 28, the DNFSB held a public hearing on the Order and the Board was unanimous in its opposition to the new directive, citing fears that it could curtail the DNFSB's ability to get access to important DOE facilities, documents, and staff, in addition to diminishing its ability to offer formal safety recommendations to the Secretary of Energy.

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Congress established the DNFSB as an independent safety organization in 1988 to address mounting health and safety concerns at DOE nuclear facilities across the country, which are largely unregulated by any other state or federal agency. The DNFSB has played an important independent oversight role and we feel strongly that these two matters facing the DNFSB and its future must be suspended while Congress and the public have time to review and offer constructive feedback on how to maintain and enhance the DNFSB's role.

Sincerely,



Tom Udall
United States Senator



Martin Heinrich
United State Senator