

GOP chair of nuclear safety agency secretly urges Trump to abolish it

Proposal follows radiation mishaps and exposures; Dems oppose the move

By Patrick Malone, R. Jeffrey Smith, Center for Public Integrity, updated 10-22-17

The chairman of a panel charged with protecting workers at nuclear weapons facilities as well as nearby communities has told the White House he favors downsizing or abolishing the group, despite recent radiation and workplace safety problems that injured or endangered people at the sites it helps oversee.

Republican appointee Sean Sullivan, a former Navy submarine officer, told the director of the Office of Management and Budget in a private [letter](#) that closing or shrinking the Defense Nuclear Facilities Safety Board he chairs is consistent with President Trump's ambition to cut the size of the federal workforce, according to a copy of Sullivan's letter. It was written in June and obtained recently by the Center for Public Integrity.

The five-member Defense Nuclear Facilities Safety Board, chartered by Congress, has helped persuade the federal government to impose tighter safety rules and regulations at most of the eight nuclear weapons sites — employing more than 40,000 workers — where nuclear weapons and their parts are produced or stored.

Nonetheless, the nuclear weapons complex in recent years has experienced alarming problems, including the mishandling of plutonium, a radioactive explosive; the mis-shipment of hazardous materials, including nuclear explosive materials; and the contamination of work areas and scientists by radioactive particles — shortcomings detailed in a recent Center for Public Integrity [investigation](#).

Sullivan's position is consistent with the longstanding preferences of the large private contractors that produce and maintain the country's nuclear arms, most of which also contribute heavily to congressional election campaigns and spend sizable sums lobbying Washington. The board and its expert staff are now probing what it considers to be additional safety lapses or deficiencies that would cost weapons contractors millions of dollars to fix.

Three other board members, all Democrats, have said in written complaints about Sullivan's proposal that he was not speaking for them, and argued that that other government agencies assigned to safeguard nuclear workers and the public near weapons sites are not capable of handling the task by themselves.

A spokesman for the Office of Management and Budget, Jacob Wood, declined to comment about the letter but said no announcement would be made by the White House about the issue until February, when the board's fate will be decided as part of a Trump administration reorganization and consolidation plan.

Funding for the board's operation in fiscal 2018 remains in versions of the defense funding bill, and in an effort to block Sullivan's request, a Senate Democrat has added language to his chamber's version that would bar the board's elimination. But the bill is still being discussed between the Senate and House.

An influential voice

Eliminating the safety board entirely would annually save the government about \$31 million a year in direct costs, while an alternative proposal to trim and disperse its personnel would save \$7.2 million, Sullivan said in his June 29 letter to OMB director Mick Mulvaney, a former South Carolina Congressman. The larger sum amounts to less than a hundred-thousandth of Trump's proposed \$4.1 trillion federal budget for 2018.

Sullivan, who was a member of the board's Republican minority for more than four years until Trump's election elevated him to its top post, minced no words in his missive, calling the board he chairs a "relic" of the Cold War that performs work duplicative of the safety oversight provided by the Energy Department or the National Nuclear Security Administration (NNSA), which finances the contractors' work.

“Although the Board may have been helpful in providing for the adequate protection and public health and safety during its early years, that value today is provided only on the margins,” Sullivan’s letter said.

Sullivan, who has sparred regularly with other board members and repeatedly voted against sending specific safety warning notices to the Department of Energy, said further that the board’s recommendations have imposed “myriad unnecessary” costs for the department. He did not cite specific examples.

Under the board’s charter, its advice — always given in public letters — can be ignored. But the Secretary of Energy is obligated by law to state publicly whether he or she agrees or disagrees. And in many cases, the department has reacted by imposing safety rules and requirements that contractors have complained are excessive.

At the Uranium Processing Facility under construction at the Y-12 National Security Complex in Tennessee, for example, the board’s technical staff identified shortcuts contractors had taken that elevate the risk of a fire or a runaway nuclear chain reaction by eliminating protective barriers that had once been part of the building plan.

In a [letter](#) to NNSA Administrator Frank Klotz dated June 26 — three days before Sullivan suggested the board’s elimination— Sullivan said its technical staff found the construction contractors’ plans called for fire-suppression pumps that could fail in an earthquake. And the building design called for the wrong kind of glass enclosures for work stations where highly-enriched uranium would be housed.

"DOE’s own operational challenges demonstrate a continuing need for truly independent nuclear safety oversight,” [wrote](#) Democrat Jessie Roberson, a former assistant secretary of energy who has been on the board since 2010, in a June 30 letter to colleagues and the board’s general counsel.

Joyce Connery, a former DOE and National Security Council staff member who chaired the board until Trump’s election, similarly [wrote](#) that the board “provides confidence to Congress and stakeholder communities these facilities are operating safely” and said Sullivan failed to understand “the importance of independent safety oversight.”

Sullivan’s unilateral position statement to the White House budget office “does not reflect the collective opinion of the Board and does not reflect my opinion or support,” board member Daniel Santos said in his own [letter](#) to colleagues; he is a nuclear engineer who formerly worked on the technical staff of the Nuclear Regulatory Commission.

Asked for comment, Sullivan said in a phone conversation that he regards his letter as a privileged communication with the White House, and declined to comment about it. The fifth board member, Republican Bruce Hamilton, also declined comment.

“Repeated, serious safety and security lapses at the labs, including the two in New Mexico, are among the reasons for strengthening — not eliminating the outside oversight board.” - Sen. Tom Udall (D-N.M.), in a statement to the Center for Public Integrity

Worries about “complacency” in nuclear weapons work

Congress created the defense board in 1988 in response to widespread public concern about nuclear safety, stoked by the 1986 Chernobyl nuclear accident in the Soviet Union, the 1979 Three Mile Island disaster at a Pennsylvania nuclear power plant, and reports of widespread plutonium contamination at Rocky Flats, the Colorado site where the government then made triggers for nuclear bombs. Rocky Flats was closed in 1989 after the FBI raided it, and its contractors later pleaded guilty to environmental crimes.

The board’s purpose, according to a Senate report at the time, was “to restore public confidence that [DOE’s nuclear facilities] are operated without undue risk to the public health and safety.” A new panel of experts supported by an independent technical staff was needed, the report said, because “complacency” towards safety problems was seeping into nuclear weapons operations — as evidenced by widespread environmental contaminations.

The board’s jurisdiction extends to all the sites where private contractors, acting under federal direction, conduct nuclear weapons research and fabricate, assemble, or maintain the components of thousands of nuclear bombs and warheads for

the U.S. arsenal. The firms that perform this work — including corporate giants such as Bechtel, Lockheed Martin, Honeywell, and Northrop Grumman — have collectively earned more than \$2 billion in pure profit for it over the past decade, according to the Center’s analysis.

The board currently employs 120 people, and ten of its technical experts are stationed at five of these weapon sites. They prepare weekly public reports on their safety practices, providing a unique window into contractors’ periodic mistakes, some of which may affect the safety of workers and communities that live nearby. Those reports have frequently irritated contractors and top NNSA officials.

Over the past decade, the board’s warnings in particular helped push the managers of a nuclear waste cleanup project in Hanford, Washington, to heed the complaints of a [whistleblower](#) there and redesign key facilities in order to prevent an accidental nuclear chain reaction.

The board’s investigators also documented and warned about repeated [safety problems](#) at Los Alamos National Laboratory (LANL), which eventually closed the nation’s sole facility for making and comprehensively testing plutonium weapon cores so it could try to fix them. LANL [struggles](#) to this day to meet the board’s safety expectations.

The board’s warnings also helped force the government’s adoption of uniform emergency preparedness standards at nuclear weapon sites across the country. And it has recently tangled with contractors over what it considers to be serious seismic vulnerabilities at nuclear weapon installations in New Mexico, Washington state and South Carolina.

Reacting to Sullivan’s proposal, Sen. Tom Udall (D-N.M.), who represents a state with two national laboratories and the nation’s only nuclear weapon waste repository, recently attached an amendment to the National Defense Authorization Act that would thwart any efforts to shut down the DNFSB.

Udall’s language was in the version of the bill adopted by the Senate in September. But the House and Senate must reconcile differences in their versions of the NDAA in conference committee during the weeks ahead.

Udall said in a written statement to CPI that he disagrees with Sullivan “that the NNSA alone will always provide sufficient oversight of public health and safety.”

“Repeated, serious safety and security lapses at the labs, including the two in New Mexico, are among the reasons for strengthening — not eliminating the outside oversight board,” Udall said in the statement. “These incidents have demonstrated that there is a need for a strong watchdog that does not have a direct financial or political stake in the success of the labs.”

A stream of contractor complaints about the board

Laboratory officials have repeatedly chafed at what they termed invasive inspections by the board’s experts and safety recommendations that they deem excessive.

A 2012 National Academy of Sciences report, reviewed before publication by former lab executives and consultants or contractors as well as independent scientists, picked up this theme and questioned why the labs had to “spend a great deal of time and overhead” worrying about the board’s inspections. It also endorsed the idea that the government should accept more operational risks in its work supporting the U.S. nuclear arsenal.

The chairman of the panel that wrote the report was Charles Shank, a former director of the Energy Department-funded Lawrence Berkeley National Laboratory, who at the time the report was published was paid by a corporation running a nuclear weapons laboratory in Albuquerque, N.M. to chair its research advisory board.

At a 2012 congressional hearing by the House Armed Services subcommittee on strategic forces, Shank joined several former nuclear weapons laboratory directors in calling for less Washington-based scrutiny and more autonomy at the labs, arguing that they no longer needed “special attention” from the Defense Nuclear Facilities Safety Board or others.

At the same hearing, a senior Government Accountability Office analyst disputed this view. Referring to repeated cost overruns and technical snafus at the weapons labs, GAO director of natural resources Eugene Aloise said “the problems we continue to identify in the enterprise are not caused by excessive oversight, but rather by ineffective oversight by NNSA and DOE” and “a laboratory culture that did not prioritize safety and security in its daily operations.”

Sullivan, in his letter to Mulvaney, cited the Energy Department’s “robust regulatory structure” as a reason for allowing the board to die — noting in particular inspections and penalties undertaken by the department’s Office of Enterprise Assessments. But he said that shrinking the facilities safety board was worth considering to forestall the “political blowback” that might ensue from killing it outright.

Whether the government’s own safety efforts are robust enough remains a highly contested issue, however. An internal NNSA [report](#) in 2014 about Los Alamos blamed the NNSA itself for failing to recognize how significant the lab’s lapses were. It said “the safety culture that existed within NNSA was to allow the contractor to manage the problem with minimal Federal intervention.” The NNSA itself called its policy “Eyes On, Hands Off.”

Obtained by the Center under the Freedom of Information Act, the 55-page report faulted NNSA leaders for failing to adopt a “questioning attitude” about assurances by Los Alamos contracting officials that the risks of an accidental nuclear chain reaction — caused by the improper positioning of unstable plutonium — were being ameliorated, when they were not.

The report disclosed, for example, that a senior NNSA official sent an email to a key manager about the lapses in October 2012 that highlighted “A...Train Wreck Coming at LANL.” But little action was required or taken until the following summer, and another email later that month warned that LANL officials were inattentive and “still in denial.”

Bob Alvarez, a former senior Energy Department official, said the current wrangle over the board’s future is alarming. “DOE doesn’t really regulate these guys,” said Alvarez, who also spent five years as a senior investigator for the U.S. Senate Committee on Governmental Affairs chaired by Sen. John Glenn (D-Ohio) when Glenn sponsored legislation that led to creation of the DNFSB. “There always needs to be some form of independent eyes and ears watching these guys.”

Alvarez, who was a senior policy advisor to the Secretary of Energy and deputy assistant secretary for national security and the environment from 1993 to 1999, said the DNFSB plays an indispensable role in the oversight of nuclear weapon sites because of its independence from the nuclear weapon production mission that he says has been a barrier to firm oversight of contractors by the Department of Energy.

“DOE’s Office of Enterprise Assessments [responsible for punishing contractors for safety and security lapses] is like a watchdog chained to a doghouse. All they do is threaten to bark. They don’t even bark. They just threaten to bark.” Asked for comment on the remark, a spokesman for the Energy Department did not respond in time for publication.

The Center for Public Integrity’s year-long investigation, published between June and August, concluded that over the past decade, contractors at the weapon sites have [reliably received](#) more than 85 percent of the bonuses available to them, despite safety records that often fell short of expectations. Meanwhile, about half of the fines the Energy Department proposed for accidents on the contractors’ watch were forgiven.

Alvarez described the work conducted at the nuclear weapon sites as the “largest, most high-hazard enterprise in the federal government” and said it poses “serious catastrophic dangers to the public and workers” in the form of nuclear waste, fissile materials and dangerous chemicals.

“Without the defense board,” Alvarez said, the public would not know about some of “the hazards the government is imposing on them.”

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