

OFFICE OF THE SECRETARY
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Date 1/9/04

Time 3:00 p.m.

AUTHOR: Ralph Johnson

AFFILIATION: WA

ADDRESSEE: Chairman Nils Diaz

SUBJECT: Open ltr to Secretary of Energy Advisory Board identifying issues of national importance....

ACTION: Information

DISTRIBUTION: Chairman

To: Virgilio, NMSS

LETTER DATE: 12/08/2003

ACKNOWLEDGED No

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4136

OPEN LETTER TO SECRETARY OF ENERGY CHAIRMAN REC'D
ADVISORY BOARD
December 8, 2003

04 JAN -6 AM 9:27

This communication is an input to the Secretary of Energy Advisory Board for a meeting to be held on December 10, 2003. I write as an independent consultant who has many years of intimate knowledge of the Department of Energy and its inner workings. I submit to this meeting in response to the purpose of the Advisory Board, which according to the Federal Register Notice is "to provide essential independent advice and recommendations on issues of national importance". I identify several issues of national importance that are summarized below. I have also included for reference a draft of my concerns that have been Emailed to the Senate Energy Committee on December 5, 2003.

PRIME ISSUES OF NATIONAL IMPORTANCE

1. DERELICTION OF DUTY ON MANAGING NEPA RESPONSIBILITIES—LACK OF ADEQUATE OVERSIGHT ON DELEGATION TO STATE OF WASHINGTON

- NEPA has been violated or appropriate knowledge not passed on to the public
- No apparent program monitoring of the delegation of responsibility to the State of Washington. There is no known documentation of a State Program Plan for FFTF or other DOE related facilities
- No evidence of any oversight or quality assurance checks

2. DEGRADATION OF SAFETY AND QUALITY CONTROLS FOR FFTF

- Compliance to OSR's (Operational Safety Requirements) are questionable
- Compliance to FSAR (Final Safety Analysis Report) also questionable
- Compliance with MOU with NRC on FFTF Standby or Decommission modes questionable
- Apparent high frequency of incident reports and schedule push jeopardizing safety
- Regulatory incest (makes the rules and complies with the rules as operator) is extremely unwholesome

3. VIOLATION OF PUBLIC'S RIGHT TO ENVIRONMENTAL INPUT

- Decisions made on FFTF without adequate public hearings
- No public comment program to either accept or respond to public concerns
- Public concerns are strongly felt to have been violated

4. WASTE CLEANUP AND ITS ACCOMPANYING DOLLARS ALLOWED TO TOTALLY OVERWHELM THE COMMUNITY FUTURE; I.E. THE COMMUNITY PUSHED TO BECOME A NUCLEAR "WASTE GARBAGE CAN" CONTRARY TO THE COMMUNITY DESIRES. ALONG WITH THE EXTINCTION OF NUCLEAR WASTE, ALSO WILL GO THE EXTINCTION OF MULTI-BILLION DOLLAR FACILITIES, THE TECHNOLOGY BASE, AND THOUSANDS OF EMPLOYEES

- Nuclear waste should not be the total byword for the community, or the nation
- A fast flux test reactor has a mission in presidential initiatives. Why not use the FFTF which is available at little cost? Place this mission outside of environmental cleanup and do a thorough evaluation of the best means of accomplishing advance energy testing.
- Politicians and government officials reap from the "garbage can" concept to obtain campaign donations, and votes. They thus become a detrimental force to DOE's true missions.


5.USING PUBLIC FUNDS (THRU A CONTRACTOR, TRI-DEC) TO SUPPORT THEIR OWN
POLITICAL CLEANUP ENDS

- Misguided goals for community good (over emphasis on Cleanup)
- Use of contractor TRI-DEC lobbyists with no public review of purpose or objectives
- No known review of TRI-DEC officials in regard to conflict of interest. Some are known to be involved in DOE business
- DOE/TRI-DEC interests are known to be generally adverse to community public opinion
- Insufficient coordination/integration with Benton County and the host Cities of Richland and West Richland goals

6.PROGRAMMING FFTF DEMISE CONTRARY TO FEDERAL LEGAL STIPULATIONS

- Misleading and false information and data presented to Federal Judge
- No EIS (or its impacts) placed in either deactivation or decommission programming
- Soliciting potential contracts with no mention of committed preparation of an EIS and its impact on the contracted activities
- Non-responsiveness to federal judge's ruling

More details are presented in the draft report sent to the Senate Energy Committee which is also forwarded. For lack of time I have not placed my professional engineer's stamp on this letter. If needed, I would be glad to do so.

 P.E.

Mr. Ralph Johnson (signed 12/08/03; 8:30am PST)

linktech@ix.netcom.com

POB 6255 Kennewick WA 99336

Ph (o) 509-737-1575 (h) 509-586-7642

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INVESTIGATION OUTLINE CHAIRMAN REC'D
(A BORDERLINE BETWEEN MANAGEMENT OVERSIGHT
AND THE ROLE OF A LEGAL PROSECUTOR) 04 JAN -6 AM 9:28
December 6, 2003

1. DERELICTION OF DUTY ON MANAGING NEPA RESPONSIBILITIES—LACK OF ADEQUATE OVERSIGHT ON DELEGATION TO STATE OF WASHINGTON
 - NEPA has been violated
 - No apparent program monitoring of the delegation of responsibility to the State of Washington. There is no known documentation of a State Program Plan for FFTF or other DOE related facilities
 - No evidence of any oversight or quality assurance checks
2. DEGRADATION OF SAFETY AND QUALITY CONTROLS FOR FFTF
 - Compliance to OSR's (Operational Safety Requirements)
 - Compliance to FSAR (Final Safety Analysis Report)
 - Compliance with MOU with NRC on Standby or Decommission mode
 - High frequency of incident reports and schedule push causing incidents
 - Regulatory incest (makes the rules and complies with the rules as operator; a police state of affairs)
3. VIOLATION OF PUBLIC'S RIGHT TO ENVIRONMENTAL INPUT
 - Decisions made on FFTF without public hearings
 - No public comment program to either accept or respond to public concerns
 - Public concerns are strongly felt to have been violated
4. WASTE CLEANUP AND ITS ACCOMPANYING DOLLARS ALLOWED TO TOTALLY OVERWHELM THE COMMUNITY FUTURE; I.E. THE COMMUNITY PUSHED TO BECOME A NUCLEAR "WASTE GARBAGE CAN" CONTRARY TO THE COMMUNITY DESIRES. ALONG WITH THE EXTINCTION OF NUCLEAR WASTE, ALSO WILL GO THE EXTINCTION OF MULTI-BILLION DOLLAR FACILITIES, THE TECHNOLOGY BASE, AND THOUSANDS OF EMPLOYEES
 - Nuclear waste should not be the total byword for the community, or the nation
 - Politicians and government officials reap from the garbage can concept to obtain campaign donations, and votes (they become, and are, polluted)
- 5.
6. USING PUBLIC FUNDS (THRU CONTRACTOR, TRI-DEC) TO SUPPORT THEIR OWN POLITICAL ENDS

 - Misguided goals for community good
 - Use of contractor TRI-DEC lobbyists with no public review of purpose or objectives
 - No known review of TRI-DEC officials on conflict of interest. Some are known to be involved in DOE business
 - DOE/TRI-DEC interests are known to be adverse to community public opinion
 - Insufficient coordination/integration with Benton County/City of Richland goals
7. PROGRAMMING FFTF DEMISE CONTRARY TO FEDERAL LEGAL STIPULATIONS
 - Misleading and false information and data presented to Judge
 - No EIS (or its impacts) placed in either deactivation or decommission programming
 - Non-responsiveness to federal judge's ruling

8. GROSS WASTE OF GOVERNMENTAL RESOURCES BY DESTROYING USEFUL FACILITIES
 - Early and irreversible destruction of multi-billion dollar facilities and their capabilities for future use
 - Destruction planned before establishing and exercising surplus criteria with GSA
9. LACK OF GOVERNMENTAL RESPONSIVENESS
 - Letters and Emails unanswered
 - Public being neglected
 - It is closed door and NO offers of cooperative efforts
10. INADEQUATE MANAGEMENT OF ISOTOPE PRODUCTION PROGRAM
 - No National Energy Policy
 - No National Isotope Policy
 - HH&S concerns neglected
 - No impacts or inputs from NASA and Homeland Security, and their national needs
11. RUNNING ROUGH SHOD OVER LOCAL JURISDICTIONS
 - No public interface program that covers FFTF and other related facilities. Where are public concerns and comments processed?
 - There are no known MOU's with Benton County or the Cities that fall in the environmental region
12. NONCOMPLIANCE TO DOE'S OWN POLICIES AND PROCEDURES
 - Safety and quality requirements in oversight and program planning
 - Major System Acquisition procedures
 - Neglect of readiness review requirements related to either deactivation and/or decommissioning
 - Public comment policy
 - NEPA compliance
 - International Agreements benefiting the USA
 - Inadequate integration between DOD interfaces and best use of DOE's facilities and technologies
13. NONCOMPLIANCE TO MAJOR SYSTEM ACQUISITION (MSA) (PROJECT BIRTH TO DEATH) INTERNAL POLICY
 - Identification of milestones for FFTF MSA
 - ROD milestone and impact on program
 - Appropriate oversight and review for compliance
14. LIED TO U.S. JUDGE IN FEDERAL COURT
 - Testimony misrepresented
 - Information presented with unenforceable requirements (open to preferential interpretation to decisions without oversight or accountability)

15. GROSS INEFFICIENCIES IN LONG TERM PLANNING

- Waste of equipment, dollars, intellectual properties, technology, and jobs
- Use of accelerators for research and medical isotope production
- The needs of President Bush authorized energy initiatives have neglected possible useful applications of FFTF and other Hanford facilities for which no end use has been defined.
- Pushing the medical isotopes industry to go foreign

16. LAUNCHING NEW INITIATIVES WITHOUT CONSIDERATION OF MAKING BEST USE OF EXCESS FACILITIES AND RESOURCES

- Lack of appropriate integration, or an ill defined needs statement

17. LOSS OF WORLD LEADERSHIP IN ENERGY TECHNOLOGY AND PRODUCTION

- It is apparent to all informed citizens that the USA has become something much less than an active participant in advanced energy technologies; and, we appear happy with playing a secondary role. ~~No leadership.~~
- Allowing, and financing, foreign dominance in nuclear technology, and not fostering national independence
- Shifting emphasis to non-proliferation activities (under DOD moniker) to fund, often on a cooperative basis, advanced nuclear technology

18. ERROSION OF NATIONAL TECHNOLOGY BASE

- Academic scholarships give preferential treatment to foreign students (+ to foreigners and -to domestics)

 R.E.