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Rod Ewing  
Board Chairman  
U.S. Nuclear Waste Technical Review Board  
2300 Clarendon Blvd., Suite 1300  
Arlington, VA 22201

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Sir,

NWTR is holding its Summer Board Meeting on Wednesday, August 24, 2016. In as much as I would like to attend, unfortunately, due to a spinal treatment, I am unable to do so at this time.

I started at U.S. Department of Energy 25 years ago with former Energy Secretary Admiral James Watkins and my friend Leo P. Duffy, former Assistant Secretary, who created the Office of Environmental Management. We, and others are retired, but continue to consult. In 2004, DOE-EM tasked us to visit major sites on implementation of the Energy Employee Occupational Illness and Compensation Program (EEOICP) Act.

Therefore, I should like to offer some information and attachments with your consideration, for submittal as questions during the meeting to individuals attending for Department of Energy's Office of Environmental Management (EM). I've endeavored to communicate reported concerns related to environmental, public and worker safety and health to Energy Secretary Ernest Moniz regarding DOE-EM Line Management's responsibilities for oversight activities on radioactive and toxic chemical materials in areas of waste management, and the decommissioning thousands of facilities in projects by its contractors. My letter was sent to EM Director for Safety, who replied by e-mail stated "*We provide appropriated funds to the contractors, but we cannot tell them what to do.*" However, contractor performance in decisions for selection and procurement of personnel protective equipment (PPE) and clothing to be worn in hazardous risk workplaces should be tested, certified and proven. Protection of federal and contractor employee safety, health and security is provided by DOE Policies, Directives and Orders i.e., DOE O.413; 414.1D and DOE O.440.1B, and by law in Title 10 CFR Part 851.22 and Part 851.23. Energy Secretary said: "*Safety is our first priority*" cannot be.... *just a bumper sticker.*

It's important for you to know, the U.S. Department of Labor reported as of April 10, 2016 under the EEOICP, the past 15 years (2001-2015), 287,017 claims were filed by federal employees, contractor and subcontractor workers (living and deceased) whose employment at DOE facilities with work-related exposure to hazardous radioactive and toxic chemicals is basis for their claims. 187,492 cases were approved for lung, respiratory, skin and 23-types of cancer related illnesses.

DOL adjudication of claims resulted in 74,851 cases receiving \$15.2 billion dollars in payments for medical expense and lost compensation, and 12,702 cases in backlog pending payments. The greatest consequence in this worker loss for DOE and the nuclear industry is the high degree of technical knowledge, experience and skills needed now and in the future for EM to succeed in its nuclear waste cleanup mission. Even now, DOE, its many contractors and subcontractors are facing difficulty in recruiting professional and technically qualified personnel. DOE has resorted to awarding Small Businesses Support Service contracts to provide staff augmentation (attached) at greater costs. This shouldn't continue to occur. Yet, recent news articles and reports on DOE Hanford site's Tank Farms possible chemical vapor exposure to 65 workers in recent months.

In the past two years, Leo Duffy and I researched numerous nuclear industry sources to discover an innovative Anti-Contamination protective clothing manufacturer "OREX products comprised of poly-vinyl alcohol synthetic fabric, tested and certified with a unique, patented processing system, the only one-of-its-kind licensed by the U.S. Nuclear Regulatory Commission (NRC) that completely dissolves OREX PVA garments, would avoid millions of pounds of Low-Level Waste going to DOE landfills, could save an estimated \$230.2 million annually or \$1 billion in 4-years. I visited DOE's Savannah River, Hanford, Oak Ridge and WIPP sites to address this EEOICP issue. Many individuals in DOE Line Management and its contractors were unaware of the DOL report on DOE's workforce and doubted the figures in reported losses. More important is the fact that OREX PPEs is used in 87 of 100 U.S. operating commercial nuclear power plants having reported a 70% reduction in Personal Contamination Events (PCEs) over the past decade and used internationally in the U.K. France, Germany, Belgium, Spain, China, Taiwan, South Korea and Brazil. I presented OREX as an alternative for DOE and contractor to include in PPE procurement. A question asked at DOE-EM Headquarters by Mark Gilbertson, Jack Surash and Matt Moray, with this PPE certification and proven credibility, why isn't DOE using OREX? That has been and is still my question too!

I think of the difficulty for workers and public. I try to go beyond what is expected, and to do everything I can with an opportunity I am given. Thank you for your consideration in this effort.

Respectfully,

J. James Fannon

Enclosures: