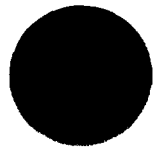




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Department of Energy
Pacific Area Support Office
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FEB 21 1978

REPOSITORY DOE/PASO
COLLECTION DOE/NV
BOX NO. 1236
FOLDER 5480 FY 1978-79 ENVIRONMENTAL SAFETY & HEALTH - GENERAL

Mahlon E. Gates
Manager, NV

NV SAFETY POLICY AND IMPLEMENTATION THEREOF

For the past two plus years, I have felt a growing concern that there is a wide gap, in the subject area, between the lessons we learned, or should have learned, from the past history of nuclear testing at NV, and the actions we are taking currently in the area of employee safety.

I have expressed this concern to appropriate members of the NV staff, but have been largely unsuccessful in getting anything done to eliminate what I perceive as a serious problem.

To me, it is incomprehensible in today's world of abundant handy-dandy legal actions against anything nuclear, or OSHA related, that it is not only possible, but is specifically permitted, by NV personnel regulations, to hire an employee, and put him or her to work in any environment without some kind of a pre-employment physical. Yet that is the case. Had I not insisted, when _____ was hired, that he receive a physical examination because of his proposed assignments at Enewetak and Johnston, he would not have received an examination. Euphemistically we had to call this a "periodic" fitness for duty examination, because otherwise the cost thereof would not have been allowable. This, in my opinion, is not only a ridiculous situation, it is downright dangerous. Nuclear matters aside, under current procedures, NV could hire an employee with tuberculosis, syphilis, or you name it, and the only way the employee (and those he may have infected) would know it, would be when he or she was called in to REECO for the periodic physical (which is not mandatory).

So much for direct NV employees. The following pertains to both direct Government and NV contractor employees who are assigned to Enewetak or Johnston Atoll.

As you are aware, NV operations at Johnston and Enewetak are, in the main, funded by DNA. As a direct consequence of this funding situation, NV contractor activities at these sites are not subject to the same review, safety-wise, as they would if these activities were DOE funded. I can not distinguish between your responsibility, and mine, for the safety of an NV employee at Enewetak simply because of the "color of the money". The rationale for this policy, is that since neither PASO nor NV has the economic

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M. E. Gates

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wherewithal to pay for needed corrective actions in a safety area, therefore, it is not appropriate for our safety appraisers to insist upon corrective actions by contractor management through the formal contractor appraisal system. True, safety "surveys" are made of activities, and an "advisory" recommendation is made to PASO and the contractor. These "surveys" are without the force and effect of NV management behind them; are not subject to the same staff review as an appraisal would be. The contractor and PASO is left solely with the problem of trying to negotiate with the funding agency, for needed corrective safety actions. I do not think I need to describe how this arrangement works; simply put it does not.

There are other areas, perhaps less glaring than the above two, which are involved (e.g. Radiological Safety Procedures at JA) which I'll not go into at this time since I believe they will find a solution if you accept my following recommendation.

Ink, I believe we may be dealing with an area of non-communication with some overtones of conflicting bureaucratic policies. I know that the NV staff would respond affirmatively with appropriate procedures and policies if they were totally aware of the kinds of problems Leon Silverstrom, and other U.S. Government attorneys, are working on. Also, I believe it would help if you would enunciate formally the absolute need for current NV policies and procedures to reflect knowledge of "lessons learned" in the fifties. If we do not do these things, I feel certain that our successors will inherit the same legal - and perhaps moral - legacy that we did.

Lastly, Ink, I am sending this to you "eyes only" only because some of the comments can be construed as personal criticism of NV staff, and as such might be addressed defensively with some loss of objectivity. I have no pride of authorship on this issue. It needs correcting, and I will play any role to help I can. However, I really believe that Leon is the guy who could pull it together. I have tried to solve this problem without reference to you, several times over the past two years without success. Recent newspaper and TV publicity on the Cooper, Big Smokey and other related matters have led me to conclude that I must communicate with you directly.

Aloha,

Original Signed By
W. J. STANLEY

Bill Stanley
Director

WJS:idh

*PS
Discussed this with
Leon before sending.
He agreed it
needed to be
said
us*

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