

Bruce Hamilton, Chairman
Jessie H. Roberson
Joyce L. Connery

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



August 22, 2019

The Honorable James Richard Perry
Secretary of Energy
US Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Perry:

We have had the opportunity to review the Department's Implementation Plan for Board Recommendation 2019-1, *Uncontrolled Hazard Scenarios and 10 CFR 830 Implementation at the Pantex Plant* (Recommendation). The Board evaluates Implementation Plans to assure itself that the Department has fully understood any final Recommendations and that any actions the Department specifies will indeed resolve the challenges to ensuring adequate protection of public health and safety.

We find that although the Department's response on April 16, 2019, was an acceptance, the language and terms of the Implementation Plan in fact reject significant parts of the Recommendation. At this time, it remains unclear to us what specific actions the Department will take to address the Recommendation or the effectiveness of those actions. Therefore, we reaffirm Recommendation 2019-1.

As noted in the Recommendation, we evaluated the adequacy of safety controls for nuclear explosive operations at the Pantex Plant and the processes that ensure those operations have a robust safety basis. We concluded that: (1) portions of the safety basis for nuclear explosive operations at Pantex did not meet Title 10, Code of Federal Regulations, Part 830, *Nuclear Safety Management* (10 CFR 830); and, (2) multiple components of the process for maintaining and verifying implementation of the safety basis at Pantex are deficient. Consequently, we identified and communicated similar concerns to the National Nuclear Security Administration (NNSA) in a letter dated July 6, 2010, and although NNSA's contractors have undertaken several improvement initiatives since 2010, the deficiencies remain unresolved. We acknowledge that there are a number of ongoing and planned initiatives to address some of the issues identified in the Recommendation and look forward to reviewing the results of these efforts. It is our belief that a plan to implement Recommendation 2019-1 could be completed within one year as contemplated by law [42 USC § 2286d(g)(1)].

We have reaffirmed the original Recommendation given that the Department has de facto rejected parts of it. Pursuant to the process defined in 42 USC § 2286d(e), the Department is

required to consider our action and make a final decision on whether to implement all or part of Recommendation 2019-1 within 30 days after receiving this notice. The statute further requires that the Department publish the final decision and the reasoning for the decision in the Federal Register and transmit the decision and its justification to the Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate in the form of a written report containing that decision and reasoning.

Yours truly,

A handwritten signature in black ink, appearing to read "Bruce Hamilton". The signature is written in a cursive style with a large, looping initial "B".

Bruce Hamilton
Chairman

c: The Honorable Lisa E. Gordon-Hagerty
Mr. Joe Olencz