

John T. Conway, Chairman
A.J. Eggenberger, Vice Chairman
John W. Crawford, Jr.
Joseph J. DiNunno
Herbert John Cecil Kouts

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004
(202) 208-6400

97-0003305



October 15, 1997

The Honorable Federico F. Peña
Secretary of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585-1000

Dear Secretary Peña:

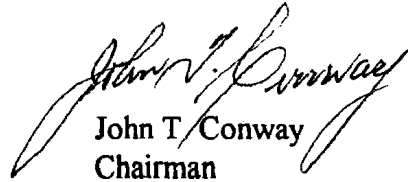
Your letter of September 3, 1997, stated that much of the progress made by the Department of Energy (DOE) during the past few years in improving its technical capabilities may be undone by a reduction in technical work force that DOE had planned in response to funding levels that were proposed by Congress at that time. The letter also noted that, as a result of existing government regulations over which DOE has no control, a number of technically-qualified DOE employees hired in response to the Defense Nuclear Facilities Safety Board (Board) recommendations such as Recommendations 93-3, *Improving Technical Capability in Defense Nuclear Facilities Programs*, and 95-2, *Safety Management*, may be terminated. The Board now understands from your memorandum dated September 26, 1997, to DOE federal employees that the possibility of a large reduction-in-force (RIF) at DOE has been eliminated.

The Board believes that DOE must prepare in advance to avert the loss of technically competent personnel in the face of likelihood of future budget reductions. Clearly, DOE must comply with government regulations as they affect any downsizing; however, DOE must also preserve the technical expertise needed to perform the functions essential to protect the public health and safety and that of the workers as provided under the Atomic Energy Act of 1954, as amended. In particular, actions to preserve technical expertise should include staff in key health and safety positions, such as the DOE Facility Representatives at defense nuclear facilities, competent personnel in senior technical safety management positions (identified during the implementation of Recommendation 95-2), and critical technical expertise developed under the Technical Qualification Program of Recommendation 93-3.

The accomplishment of DOE's present and future missions in a manner that protects the health and safety of workers and the public depends heavily on a highly qualified technical work force. The Board notes that other federal agencies are exploring new strategies to overcome some of the inflexibilities imposed by existing personnel law as a means to gain control over their ability to hire and retain a qualified technical work force. To the extent that current personnel policies and practices would force DOE to lose control over its ability to retain the technical expertise needed to implement the Board's recommendations, the Board suggests that DOE consider new and perhaps similar methods to ensure its ability to retain important technically qualified individuals and, in particular, facility representatives.

The Board asks to be kept abreast of the actions and plans to ensure DOE's ability to retain the technical expertise needed to fulfill its responsibility to protect health and safety of workers and the public, in accordance with the Atomic Energy Act of 1954, as amended.

Sincerely,



John T. Conway
Chairman

c: The Honorable Archer L. Durham
Mr. Mark B. Whitaker, Jr.