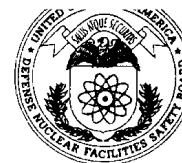


John T. Conway, Chairman
 A.J. Eggenberger, Vice Chairman
 John W. Crawford, Jr.
 Joseph J. DiNunno
 Herbert John Cecil Kouts

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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



July 30, 1993

The Honorable Hazel R. O'Leary
 Secretary of Energy
 Washington, D.C. 20585

Dear Secretary O'Leary:

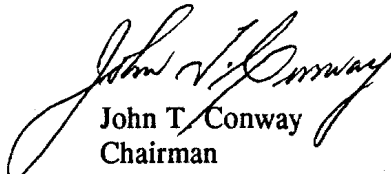
The Board has reviewed the Department's Recommendation 93-1 Implementation Plan, and will consider it acceptable provided the conditions below are included.

First, during preliminary discussions between the DNFSB staff and members of your staff, the issue of comparability to commercial nuclear material processing was addressed. The pertinent section of the recommendation states: "The Board is committed to ensuring that the level of safety assurance at those facilities that assemble, disassemble and test nuclear weapons ... can be measured to compare with the level of safety assurance provided to the public and site workers by commercial nuclear material processing facilities." The Board's understanding of the resolution reached between its staff and members of your staff is that during the second action step of the Implementation Plan, DOE should compare its final list of "critical safety elements" (which are defined as the fundamental elements necessary for safe operation) to similar lists in the commercial nuclear industry. One example would be the licensing review topics contained in the Nuclear Regulatory Commission's "Proposed Method for Regulating Major Materials Licensees," NUREG-1324. The Implementation Plan should be revised to include this comparison step.

Second, the Board issued a letter to DOE on June 8, 1993 that, in part, delineated deficiencies in the manner in which compliance with DOE Orders had been assessed for the Y-12 Plant in Oak Ridge, TN. In the fifth action step of the Implementation Plan DOE commits to a "timely upgrade of the Order Compliance Self-Assessment Program at Defense Program facilities;" however, the Oak Ridge Operations Office is not listed in the introduction to the Implementation Plan as one of the offices to which the recommendation applies. The Implementation Plan should be revised to ensure that the upgrade of the Order Compliance Assessment Program, committed to in the fifth action step, is applicable to the Oak Ridge Operations Office and that the concerns raised in the Board's letter of June 8, 1993 are resolved.

If you have any questions on this subject, I would be pleased to discuss them with you further.

Sincerely,


 John T. Conway
 Chairman

c: Mr. M. Whitaker, Acting DR-1
 Dr. E. Beckner, Acting DP-1

**Department of Energy**

Washington, DC 20585

August 5, 1993

The Honorable Ivan Selin
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20556

Dear Mr. Selin:

I welcome the opportunity to respond to Commissioner Remick's July 21, 1993, letter to the Secretary concerning the Defense Nuclear Facilities Safety Board Recommendation 93-2, The Need for Critical Experiments Capability. I have been asked to respond to your concerns in that I am responsible for the Department's defense related facilities and the actions necessary to address this Board recommendation.

As part of the Department's response to 93-2, a criticality needs assessment is being conducted to determine the scope of current and future requirements for criticality experiments, predictability, and training to support future users.

Input from current and potential users of the Department's criticality capabilities will be incorporated into the needs assessment. Therefore, I would also welcome any input from the Nuclear Regulatory Commission on its projected need for criticality experiments; the facility will of course remain available as a training tool.

Your interest in this matter is greatly appreciated. If you have additional questions or need additional information on this, please have your staff contact William Miller at (301) 903-9841.

Sincerely,

A handwritten signature in dark ink, appearing to read "Victor Stello, Jr.", written over a faint circular stamp.

Victor Stello, Jr.
Principal Deputy Assistant
Secretary for Facilities
Defense Programs

cc:
The Honorable John T. Conway
Chairman
Defense Nuclear Facilities Safety Board
K. Rogers, NRC/OCM
J. Curtiss, NRC/OCM
F. Remick, NRC/OCM
E. de Planque, NRC/OCM