

The Honorable Ernest J. Moniz
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Moniz:

This letter revises the previously established annual reporting requirement regarding the Department of Energy's (DOE) Nuclear Criticality Safety Program. This reporting requirement included an annual report on criticality safety and a formal briefing to the Board to discuss the report. While this report has served as a valuable resource for information on complex-wide criticality safety issues, trends, and corrective actions, improvements can be made.

Consequently, our staff has collaborated with your staff to develop revised reporting criteria with the goal of improving DOE's criticality safety programs while minimizing the administrative burden associated with producing the report. Therefore, pursuant to 42 U.S.C. § 2286b(d), the annual reporting requirement established for closure of Recommendation 97-2, *Continuation of Criticality Safety at Defense Nuclear Facilities in the Department of Energy (DOE) Complex*, is modified to require an annual metrics table on criteria listed in the enclosure to this letter in lieu of a full report. We still desire an annual briefing and will communicate the requested briefing topics to your staff no later than 45 days prior to the briefing. Due to this modification, we extend the due date for the Fiscal Year 2015 annual metrics table and briefing to April 1, 2016.

Sincerely,

Joyce L. Connery
Chairman

Enclosure

c: Mr. Joe Olencz

Enclosure

The Department of Energy (DOE) annual metrics table on criticality safety should include, at a minimum, the following items for each DOE site and major project:

- The number of criticality safety infractions in each severity level, per site specific criteria;
- The number of identified non-compliances with DOE Order 420.1, *Facility Safety*, and the American National Standards Institute/American Nuclear Society-8 series of criticality safety standards. Include the number of contractor-identified non-compliances and the number identified by external parties;
- The number of contractor and federal criticality safety assessments completed including the total number of findings and opportunities for improvement from these assessments;
- Current contractor and federal criticality safety staffing levels, including the average years of experience in criticality safety, number of qualified staff, number in training, number of staff lost, number of staff hired in the previous year;
- DOE's overall evaluation of the contractors' performance in the functional area of criticality safety, consistent with DOE Order 226.1B, *Implementation of Department of Energy Oversight Policy*.

The Board's staff will work with DOE's staff to provide an example template of the requested metrics table.

RECORDS CONCURRENCE FORM

NUMBER	FY2016- <i>036</i>	SUBJECT	Annual Criticality Safety Reporting Requirement Modification
GROUP LEADER CONCURRENCE (Signature and Date)		<i>[Signature]</i>	
DNFSB STRATEGIC ACTION PLAN REFERENCE:		<i>2</i>	

TECHNICAL CONCURRENCE	
TECHNICAL EDITOR	<i>FOR</i> TECHNICAL DIRECTOR
NAME: <i>N/A</i>	NAME: S. A. STOKES
INITIALS: <i>N/A</i>	INITIALS: <i>RET</i>
DATE:	DATE: <i>11/25/15</i>

GENERAL MANAGER CONCURRENCE	
GENERAL MANAGER	
NAME: M. T. WELCH	
INITIALS: <i>N/A</i>	
DATE:	

LEGAL CONCURRENCE	
ACTING GENERAL COUNSEL	
NAME: JAMES P. BIGGINS	
INITIALS: <i>JB w/ edits</i>	
DATE: <i>11/30/15</i>	

DEPUTY TECHNICAL DIRECTOR FOR SITE REPS	
NAME: R. E. TONTODONATO	
INITIALS: <i>RET</i>	
DATE: <i>12/2/2015</i>	

BOARD BRIEFING BRIEF TO BOARD MEMBERS	
NAME: S. A. STOKES	
INITIALS:	
DATE:	

CLASSIFICATION CHECK		
DNFSB SECURITY MICHAEL LEGGETT		
DOCUMENT #1	DOCUMENT #2	DOCUMENT #3
DNFSB CONTROL NUMBER	DNFSB CONTROL NUMBER	DNFSB CONTROL NUMBER
DATE CLEARED BY DOE	DATE CLEARED BY DOE	DATE CLEARED BY DOE
INITIALS	INITIALS	INITIALS
DATE	DATE	DATE

BOARD MEMBERS (5), W/ ENCLOSURE
OGC, W/ ENCLOSURE
OGM, W/ ENCLOSURE
OTD, W/ ENCLOSURE
SITE REPS, W/ ENCLOSURE (EMAIL)
ARCHIVES/CHRON., (2), W/ ENCLOSURE
LOG KEEPER, W/ ENCLOSURE

TRANSFER FILE NAME	H:\Home\Transferotd\Letters\NPA\FY16\BL.FY16.NPA.Annual.Criticality.Safety.Reporting.Requirement.Modification.Docx
SECRETARY/AUTHOR	Proctor <i>[Redacted]</i>
RELEASED FOR DISTRIBUTION ON	

TECHNICAL STAFF CONCURRENCE/RECORD NOTE PAGE				
SUBJECT: Annual Criticality Safety Reporting Requirement Modification				
AUTHOR: [REDACTED]		REPORT: _____		
AFFECTED SITES: _____				
<u>Contributor(s):</u>		<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>	
[REDACTED]		11/13/2015	via e-mail 11/16/2015	
[REDACTED]		11/13/2015	via e-mail 11/16/2015	
[REDACTED]		11/13/2015	via e-mail 11/16/2015	
[REDACTED]		11/13/2015	[Signature] 23 Nov 15	
[REDACTED]		11/13/2015	[Signature] 11/23/15	
<u>Project Leader(s)/Cognizant Engineer(s):</u>		<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>	
<u>Group Leader(s):</u>		<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>	
[REDACTED]		11/13/2015	[Signature] 11/23/2015	
<u>Outside Expert(s):</u>		<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>	
<u>Document Number:</u>		ISSUE PAPER.DOCX	<u>Report File:</u>	Vines, D.
STAFF RECORD NOTES				
	<u>1st Edit Date</u>	<u>Return Date</u>	<u>2nd Edit Date</u>	<u>Return Date</u>
1. To Technical Editor:				
2. Submitted for classification review on:		SB150610	11/23/15	(Date/Number)
3. DOE classification review completed on:				(Date)
4. Author agrees that document is ready for the Board:		T [Signature]	11/23/15	(Initials/Date)
5. Copies provided to the Board members:				(Date)
Record Note:				
DNFSB STRATEGIC PLAN REFERENCE NUMBER				
AUTHOR'S LAST NAME [REDACTED]		SECRETARY'S LAST NAME Proctor		DATE 11/13/2015
FILE NAME	H:\Home\Transferotd\Letters\NPA\FY16\BL.FY16.NPA.Annual.Criticality.Safety.Reporting.Requirement.Modification.Docx			

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036

The Board, with Board Member(s) Joyce L. Connery, Jessie H. Roberson, Daniel J. Santos, Bruce Hamilton *approving*, Board Member(s) Sean Sullivan *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to approve the above document on February 10, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/08/16
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/10/16
Sean Sullivan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/09/16
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/08/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/08/16

*Reason for Not Participating:

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.


Assistant Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

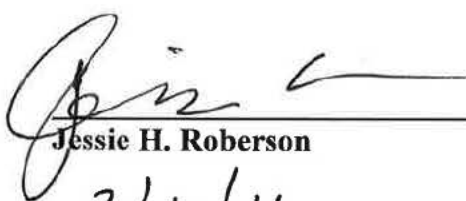
DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson
SUBJECT: Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036

Approved X **Disapproved** _____ **Abstain** _____
Recusal – Not Participating _____

COMMENTS: **Below** _____ **Attached** _____ **None** X



Jessie H. Roberson
2/10/16

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery
SUBJECT: Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036

Approved **Disapproved** **Abstain**

Recusal – Not Participating

COMMENTS: **Below** **Attached** **None**



Joyce L. Connery

2/8/16

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan
SUBJECT: Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036

Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

I do not support a continuing requirement for DOE to report to us on its criticality safety program.

The requirement for an annual report grew out of a formal Board Recommendation issued nearly two decades ago. On August 7, 2003, the Board closed Recommendation 97-2, *Continuation of Criticality Safety at Defense Nuclear Facilities in the Department of Energy* and established an annual reporting requirement. In doing so, the Board wrote:

The Board is satisfied with DOE's progress on the Implementation Plan for Recommendation 97-2, and views closure of the recommendation to be appropriate. The Board is closing Recommendation 97-2 because the specific actions outlined in DOE's Implementation Plan have been completed. Through these actions DOE has significantly enhanced its Nuclear Criticality Safety Program. However, the Board remains concerned with the endurance of these enhancements.

Over a dozen years later, we are apparently still concerned. The reporting requirement was revised in 2008 and again in 2013. In a letter announcing the 2013 revision, the Board said:

(T)he Board's staff has collaborated with DOE staff to develop revised reporting criteria with the goal of maximizing the Annual Report's capability to improve DOE's criticality safety programs, while minimizing the administrative burden associated with producing the report.

Now we seek to revise it again, stating:

(O)ur staff has collaborated with your staff to develop revised reporting criteria with the goal of improving DOE's criticality safety programs while minimizing the administrative burden associated with producing the report.

I am skeptical that this latest revision will achieve the stated goal.



Sean Sullivan

2/9/16

Date

Shelby Qualls

From: Daniel J. Santos
Sent: Monday, February 08, 2016 3:09 PM
To: Shelby Qualls; Lotus Smith
Subject: RE: Notational Vote: Doc#2016-036, Annual Criticality Safety Reporting Requirement Modification - BLUE FOLDER

Approved without comments.

From: Shelby Qualls
Sent: Monday, February 8, 2016 2:17 PM
To: Bruce Hamilton; Daniel J. Santos; Jessie Roberson; Joyce Connery; Sean Sullivan
Cc: Lotus Smith; Shelby Qualls; James Biggins; Katherine Herrera
Subject: Notational Vote: Doc#2016-036, Annual Criticality Safety Reporting Requirement Modification - BLUE FOLDER

This email is an electronic record of Notational Vote. Voting ballot will follow shortly. Also, accepting electronic votes. Note this document incorporates an approved amendment (2016-036A, changing addressee to Secretary of Energy).

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Members of the Board
SUBJECT: Annual Criticality Safety Reporting Requirement Modification

DOC#2016-036

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:

Below _____
Attached _____
None _____

Shelby Qualls
Assistant Executive Secretary
Office of the Chairman

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton
SUBJECT: Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036

Approved X Disapproved _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

I do not favor the reporting requirement contained in this letter. It perpetuates an existing administrative burden on the Department of Energy in exchange for information regarding a Recommendation which has already been closed. The letter does, however, reduce the scope of the reporting requirement, and it is therefore an improvement on the status quo. For this reason alone, I approve of the letter.


Bruce Hamilton

8 FEB 2016

Date