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## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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January 31, 2005

The Honorable Kyle E. McSlarrow  
Deputy Secretary of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Mr. McSlarrow:

During the past 2 years, the Defense Nuclear Facilities Safety Board (Board) has reviewed numerous safety analyses for nuclear facilities submitted to the Department of Energy (DOE) for approval. Many of these analyses were written or updated to meet the requirements of Title 10, U.S. Code of Federal Regulations, Part 830 (10 CFR 830), *Nuclear Safety Management*. In approving these analyses, DOE operations offices or National Nuclear Security Administration site offices often impose conditions of approval, some of which identify significant deficiencies with either the hazard analysis or the controls implemented to address the hazards. For some sites, the number of open conditions of approval is on the order of hundreds.

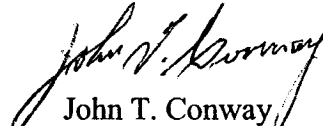
Although these conditions of approval are part of the documented safety analysis required by 10 CFR 830 for nuclear facilities, DOE has not developed specific criteria for writing, tracking, or closing them. DOE Standard 1104-96, *Review and Approval of Nuclear Facility Safety Basis Documents*, contains a limited discussion of the use of conditions of approval, but does not provide detailed guidance on writing appropriate conditions of approval or on tracking and verifying their closure. Title 10, U.S. Code of Federal Regulations, Part 830 requires contractors to comply with the conditions of approval and to maintain such records as necessary to substantiate their compliance.

Pursuant to 42 U.S.C. § 2286b(d), the Board requests a report from DOE within 90 days of receipt of this letter that contains the following information:

- Clarification from DOE on what constitutes appropriate conditions of approval versus basis for rejection;
- The mechanism in place at each operations or site office for tracking open conditions of approval; and
- The mechanism in place at each operations or site office for verifying the adequacy of actions taken by the contractor to close each condition of approval.

The report should also address whether revisions to the salient DOE directives and standards, particularly DOE Standard 1104-96, are warranted to provide more specific requirements and guidance with regard to developing, tracking, and closing conditions of approval for safety basis documents.

Sincerely,



John T. Conway  
Chairman

c: The Honorable Linton Brooks  
Mr. John S. Shaw  
Mr. Mark B. Whitaker, Jr.