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**DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**

Washington, DC 20004-2901



October 23, 2013

The Honorable Daniel B. Poneman  
Deputy Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Deputy Secretary Poneman:

The Defense Nuclear Facilities Safety Board (Board) established an annual reporting requirement in 2003 regarding the Department of Energy's (DOE) Nuclear Criticality Safety Program. The Annual Report on Criticality Safety serves as a valuable resource for information on complex-wide criticality safety issues, trends, and corrective actions. Recent Annual Reports provided timely information that could have led to proactively addressing criticality safety issues at Los Alamos National Laboratory. Consequently, the 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.

Therefore, pursuant to 42 U.S.C. § 2286b(d), the Board modifies 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*, as listed in the enclosure to this letter. The Board requests a briefing from DOE to accompany all future Annual Reports. The Board extends the due date for the Fiscal Year 2013 Annual Report and briefing to March 31, 2014. Additionally, the Board requests a report and briefing from DOE within 120 days of receipt of this letter that details the Program Secretarial Officer's assessment of the metrics relied upon to perform effective line oversight of criticality safety programs.

Sincerely,

Peter S. Winokur, Ph.D.  
Chairman

Enclosure

c: Mrs. Mari-Jo Campagnone

## Enclosure

The Department of Energy (DOE) Annual Report on Criticality Safety should address, at a minimum, the following items for each DOE site and major project<sup>1</sup>:

- Current staffing levels, DOE's assessment of whether staffing levels are adequate, existing plans to address staffing vacancies, and any compensatory measures taken in response to staffing shortages;
- The number of criticality safety infractions, the severity of these infractions, and any lessons learned in response to significant infractions;
- Non-compliances with DOE and American National Standards Institute/American Nuclear Society requirements identified during federal assessments, and any compensatory measures or corrective actions taken to address these non-compliances;
- DOE's plans to address recommendations made by the Criticality Safety Support Group, including all open recommendations from previous years;
- DOE's 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*; and
- DOE's evaluation of the contractors' success in meeting site-specific performance expectations (e.g., Performance Evaluation Plans and Performance Based Incentives) related to criticality safety.

The Board's staff will continue to work with DOE staff to identify potential improvements to the reporting criteria that maximize the Annual Report's capability to improve DOE's criticality safety programs and minimize the administrative burden associated with producing the report.

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<sup>1</sup> Major projects are those with a total project cost greater than \$50 million.