

Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification
YELLOW FOLDER AMENDMENT BY BOARD MEMBER SULLIVAN

Revise the letter as shown on the attached pages. The first page shows the changes using “red line, strike out,” and the second page is a smooth version of the letter as I propose to revise it.

Justification

The reporting requirement poses an unnecessary administrative burden on the Department of Energy. The report and briefing have provided very little value to the Board during my tenure. The one significant criticality safety issue that has been addressed during my tenure occurred at LANL. Despite the Board’s annual requirement for a report and briefing, the staffing shortage at LANL reached crisis levels. On March 6, 2013, the NNSA Administrator submitted a 20-page criticality safety report to the Board. Regarding LANL, the report concluded, “A Corrective Action Plan that includes compensatory safety measures has been submitted to NNSA by LANL. ***NNSA judges that the metrics reported and the incentives in use place the emphasis where it is needed to bring the program to compliance.***” (emphasis added) Fortunately, the Board’s staff knew the true conditions. In May 2013 the staff performed an extensive on-site criticality safety review at LANL using the Board’s normal authority to obtain access to information under section 2286c of the enabling statute. In June 2013, LANL paused all operations at TA-55 due to criticality safety concerns.

My conclusion: the report doesn’t work. The normal review process does.

The Honorable Elizabeth Sherwood-Randall
Deputy Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Deputy Secretary Sherwood-Randall:

This letter ~~revises~~ends 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~~we are confident that criticality safety information can be obtained from your staff using the normal cooperation provisions of 42 U.S.C §2286c and that a formal reporting requirement under 42 U.S.C. § 2286b(d) is no longer necessary.

~~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

The Honorable Elizabeth Sherwood-Randall
Deputy Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Deputy Secretary Sherwood-Randall:

This letter ends 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, we are confident that criticality safety information can be obtained from your staff using the normal cooperation provisions of 42 U.S.C. § 2286c and that a formal reporting requirement under 42 U.S.C. § 2286b(d) is no longer necessary.

Sincerely,

Joyce L. Connery
Chairman

Enclosure

c: Mr. Joe Olencz

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036B

The Board, with Board Member(s) Sean Sullivan, Bruce Hamilton *approving*, Board Member(s) Joyce L. Connery, Jessie H. Roberson, Daniel J. Santos *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to disapprove the above document on February 8, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/04/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/08/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/03/16
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/04/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/04/16

*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.


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: Joyce L. Connery

SUBJECT: Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036B

Approved _____ Disapproved **X** Abstain _____

Recusal - Not Participating _____

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

While I agree that the report in the form in which it has been done in the past was burdensome, the reporting requirement in this particular package was designed to be less burdensome and after collaboration with NNSA and DOE counterparts who ARE supportive of this type of reporting. In fact, the Board was told directly during the last briefing that the act off pulling together the information increased collaboration and focus on these important issues and that they valued the interactions with the Board.

[REDACTED] So while one Board member has concluded the report “doesn’t work” for him, I think that the benefits for the Board as a whole, DOE and NNSA, and safety in general, have been demonstrated.

Submitted electronically,
Joyce L. Connery
2/4/2016

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036B

Approved _____

Disapproved _____

Abstain _____

Recusal - Not Participating _____

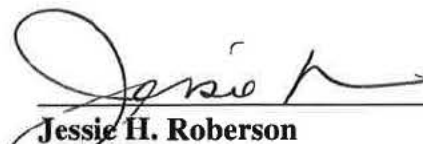
COMMENTS:

Below _____

Attached _____

None _____

I am willing to give metrics a chance to shine a light on ^{criticality safety} and help prioritize where DOE/MNSA and the Board staff apply their expertise in this area.



Jessie H. Roberson
February 8, 2016

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036B

Approved **Disapproved** **Abstain**

Recusal – Not Participating

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



Sean Sullivan

2/5/16

Date

Lotus Smith

From: Daniel J. Santos
Sent: Thursday, February 04, 2016 3:42 PM
To: Lotus Smith; Shelby Qualls
Subject: RE: Notational Vote: Doc#2016-036B Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification Blue Folder

Disapproved without comments.

From: Lotus Smith
Sent: Thursday, February 4, 2016 3:17 PM
To: Bruce Hamilton; Daniel J. Santos; Jessie Roberson; Joyce Connery; Sean Sullivan
Cc: Shelby Qualls; Nora Khalil; Lotus Smith
Subject: Notational Vote: Doc#2016-036B Amendment by Board Member, Sean Sullivan to Yellow Folder 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.

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

FROM: Members of the Board
SUBJECT: Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification

DOC#2016-036B

Office Directors have provided their input.

Approved_____
Disapproved_____
Abstain_____
Recusal – Not Participating_____

COMMENTS:

Below_____
Attached_____
None_____

Lotus Smith
Executive Secretary
Office of the Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Ave, NW, STE 700
Washington, DC 20004

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

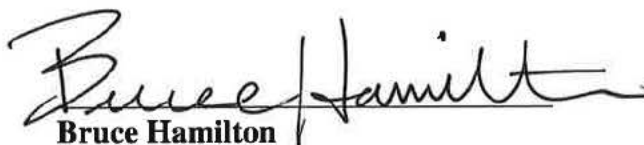
FROM: Bruce Hamilton

SUBJECT: Amendment by Board Member, Sean Sullivan to Yellow Folder Doc#2016-036 Annual Criticality Safety Reporting Requirement Modification

Doc Control#2016-036B

Approved Disapproved _____ Abstain _____
Recusal – Not Participating _____

COMMENTS: Below ___ Attached ___ None


Bruce Hamilton

4 FEB 2016
Date