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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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December 18, 2009

The Honorable Steven Chu
Secretary of Energy
U. S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Chu:

The Defense Nuclear Facilities Safety Board (Board) has received your response dated November 3, 2009, to the Board's Recommendation 2009-1, *Risk Assessment Methodologies at Defense Nuclear Facilities*, and the attached Implementation Plan for resolving the issues identified in the Recommendation. Although your cover letter accepts the Recommendation and reaffirms the Department of Energy's (DOE) primary deterministic approach for ensuring nuclear safety, the Board finds that the Implementation Plan constitutes a partial rejection of the Recommendation.

Specifically, the Board recommended that DOE establish a policy (including activities supporting development and implementation of that policy) on the use of quantitative risk assessment for nuclear safety applications; but the Implementation Plan that was provided as an attachment to your letter establishes neither a firm commitment to, nor an appropriate deadline for establishing a policy, directive, or guidance document to govern DOE's use of risk assessment methodologies. Therefore, the proposed Implementation Plan does not fully meet the substantive criteria of the Board's Policy Statement 1, *Criteria for Judging the Adequacy of DOE Responses and Implementation Plans for Board Recommendations*.

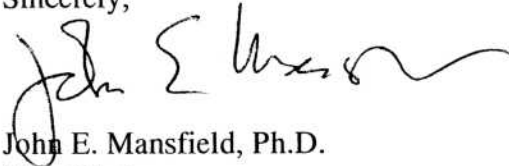
Given that the Board's Recommendation has been partially rejected, the Board's implementing statute 42 U.S.C. § 2286d(d) requires that the Board "either reaffirm its original Recommendation or make a revised Recommendation." The Board's correspondence on this subject since 2004 was detailed in the attachment to the Board's Recommendation letter dated July 30, 2009. The issues raised in previous correspondence and in the Recommendation have not abated since it was issued. To the contrary, the Board anticipates even greater use of ad hoc risk assessment methodologies by DOE program offices and contractors unless DOE establishes a unifying and controlling policy. Therefore, the Board reaffirms the original Recommendation.

The Board acknowledges that there are a number of ongoing and planned initiatives to address the issues in the Recommendation and looks forward to reviewing your efforts to strengthen DOE's policies, guidance, and expectations for the use of risk assessment methodologies as outlined in the Recommendation. If you choose to accept the

Recommendation, it is the Board's belief that a plan to implement the Recommendation can be completed within one year as contemplated by law [42 U.S.C. § 2286d(f)(1)].

The Board has reaffirmed the original Recommendation. Pursuant to the process defined in 42 U.S.C. § 2286d(d), you are required to consider the Board's action and make a final decision on whether to implement all or part of the Board's Recommendation within 30 days after receiving this notice. The statute further requires that your final decision and the reasoning for such decision be published in the Federal Register and transmitted to the Committees on Armed Services and on Appropriations of the Senate and to the Speaker of the House of Representatives in the form of a written report containing that decision and reasoning.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Mansfield", with a long, sweeping flourish extending to the right.

John E. Mansfield, Ph.D.
Vice Chairman

c: Mr. Mark B. Whitaker, Jr.