



The Deputy Secretary of Energy  
Washington, DC 20585

April 4, 2006

MEMORANDUM FOR LINTON F. BROOKS  
ADMINISTRATOR, NATIONAL NUCLEAR  
SECURITY ADMINISTRATION

FROM: CLAY SELL

A handwritten signature in black ink that reads "Clay Sell".

SUBJECT: Review of Defense Nuclear Facilities Safety Board  
Commitments Under Recommendation 2004-1

I have become concerned that certain actions taken in response to Recommendation 2004-1 may be counter productive. Therefore, I request that you assemble a team from throughout the Department and review each of the commitments made in the implementation plan in response to the Defense Nuclear Facilities Safety Board Recommendation 2004-1. Your review should identify commitments that result in any of the following:

- Appear to weaken line-management responsibility and accountability;
- Contribute to micromanagement;
- Could lead to unacceptably risk averse behavior; and
- Violate the principle that it is the job of the Federal Government to identify the "what" and of the contractor community to focus on the "how."

In conducting the review, you and your team should be guided by the following principles:

- You should not seek lowest common denominator consensus. If there is disagreement with respect to any particular commitment, that disagreement should be reported and highlighted. One of the clear and important principals that I wish to reinforce is the importance of not suppressing minority opinions.



- You should not regard yourself as making final decisions on any commitment. Your task is to identify commitments that could have the adverse effects noted above and recommend whether those commitments should be eliminated or modified. My responsibility is to balance those particular effects with the consequences of modifying or withdrawing commitments the Department has made.
- Because this review is about the line responsibilities of the Department, I consider it inappropriate for the staff of the Defense Nuclear Facilities Safety Board to participate in your deliberations. I have advised the Board Chairman of the review and of my intentions in this regard.
- The product of the review should be forwarded directly to me with copies to each Under Secretary, each Central Technical Authority, the Chiefs of Nuclear Safety and Defense Nuclear Safety and the General Counsel. You should not, however, route your report for clearance. I am interested in an unvarnished assessment by technical experts.

I would appreciate a response by June 1, 2006. For your information, after I have assessed the results of this review, I may expand it to other Defense Nuclear Facilities Safety Board commitments.

By copy of this memorandum I am asking each appropriate departmental element to provide the appropriate representation to your effort. I wish to stress that, pending any decisions I may make following my review, all commitments that the Department has made remain in effect. No departmental element should use the fact of this review as an excuse for failing to meet a deliverable under the Implementation Plan for Recommendation 2004-1. As a single exception to this policy, the Director, Office of Management, should defer issuing the Integrated Safety Management System Manual pending the results of your review. I believe the consequences of issuing the Manual and then modifying it justify this exception.

cc:

Under Secretary for Energy, Science and Environment  
Under Secretary for Science (designate)  
Assistant Secretary for Environmental Management  
Acting Assistant Secretary for Environment, Safety and Health  
Director, Office of Management  
Departmental Representative to the Defense Nuclear Facilities Safety Board