



Whitaker, 5-3

Department of Energy

Washington, DC 20585

March 2, 1999

The Honorable John T. Conway
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW.
Suite 700
Washington, D.C. 20004

Dear Mr. Chairman:

The Secretary of Energy's transmittals of the Defense Nuclear Facilities Safety Board (DNFSB) Recommendation 93-1, "Standards Utilization at Defense Nuclear Facilities," Action 4 Report on September 30, 1994, in addition to the Nuclear Explosive Safety Study (NESS) Corrective Action Plan on June 15, 1994, established the baseline for the combined initiatives. The Department's actions have resulted in revisions and enhancements of the directives and standards controlling the unique safety aspects of nuclear weapons assembly, disassembly, and surveillance operations. In all, the Department issued the following directives, implementation guide, supporting technical standards, and public rule: Department of Energy (DOE) Orders 452.1A, "Nuclear Explosive and Weapon Surety Program," and 452.2A, "Safety of Nuclear Explosive Operations," DOE Guide 452.2-1A, "Implementation Guide for DOE Order 452.2A, Safety of Nuclear Explosive Operations," DOE-Standard (STD)-3015-97, "Nuclear Explosive Safety Study Process," DOE-DP-STD-3016-99, "Hazard Analysis Reports for Nuclear Explosive Operations," and 10 CFR Part 711, "Personnel Assurance Program; Final Rule." A copy of each document is enclosed for your information. When fully implemented, they will provide a level of safety assurance comparable to that required for other defense nuclear facilities.

The Department has already realized significant safety improvements as a result of its response to the DNFSB's recommendation. These improvements have been realized through utilization of the new DOE directives, Albuquerque Operations Office supplemental directives, improved NESS documentation, and institution of the nuclear explosive operations hazard analysis reports (HAR). Issued as a guide in April 1996, the draft HAR Standard was successfully used on the W69 and W79 dismantlement programs and was updated as a result of lessons learned; the standard was formally published in February 1999. In accordance with these new and revised requirements, the Department is committed to monitor and assess compliance with these orders and standards as part of our periodic appraisal system. The actions to issue the supplemental directives for nuclear explosive operations started in response to Recommendation 93-1 will be carried forward into the DOE Implementation Plan for the DNFSB's recent Recommendation 98-2, "Safety Management at the Pantex Plant."



Defense Programs has addressed the issues raised in Recommendation 93-1 and now proposes closure of this recommendation based on the initiatives. We appreciate the assistance of the DNFSB and its staff in helping DOE improve standards utilization at our defense plants.

If you have questions, please contact me or have your staff contact Mr. Ed Cassidy on 202-586-9091.

Sincerely,



Victor H. Reis
Assistant Secretary
for Defense Programs

6 Enclosures

**ISSUE: CLOSURE OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD (DNFSB)
RECOMMENDATION 93-1**

BACKGROUND: In January 1993, the DNFSB Recommendation 93-1 asked the Department of Energy (DOE) to evaluate the safety standards employed for weapons assembly, disassembly, and testing against the nuclear safety standards applicable to other defense nuclear facilities. Program accomplishment required extensive coordination with the national laboratories, Albuquerque/Nevada Operations Offices, Pantex management & operating contractor, Amarillo Area Office, DNFSB, and its staff.

1. January 1997. The final DOE 452-series orders, implementation guide, and the Nuclear Explosive Safety Study Process Standard were republished following the DNFSB review and concurrence.
2. September 8, 1998. The final Personnel Assurance Program (PAP) Rule, 10 CFR 711, was published in the Federal Register. In 1992, the Independent Guard Association of Nevada, representing PAP-certifiable civilian security guards (Wackenhut Security Inc.) brought suit challenging DOE Order 5610.11 which established the DOE PAP under the nuclear explosive and weapons safety program. On June 14, 1996, the District Court enjoined DOE from enforcing the PAP certification requirement section pending notice and comment rulemaking. DOE published a notice of interim PAP procedures and standards on October 9, 1996, resulting in final rule publication in 1998.
3. February 1999. The revised Hazard Analysis Report (HAR) Standard was approved and published in February 1999. In January 1996, the Principal Deputy Assistant Secretary for Safety and Quality directed with concurrence from the DNFSB that the DOE standard for HARs for nuclear explosive operations be employed on a trial basis prior to final publication. Based on experience gained with the W69 and W79 dismantlement programs during 1997-1998, the HAR standard has been revised and the DNFSB staff concurrence obtained.

DISCUSSION: The DNFSB Recommendation 93-1 closure was delayed to conduct PAP rulemaking process and conduct the HAR Standard trial period. With the completion of these items, DOE has completed all steps necessary to close DNFSB Recommendation 93-1.

RECOMMENDATION: Sign the attached letter forwarding the Department's proposal to the DNFSB to close their 93-1 Recommendation.