



Department of Energy
National Nuclear Security Administration
Washington DC 20585

September 14, 2009

OFFICE OF THE ADMINISTRATOR

The Honorable Carl Levin
Chairman, Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 3112 of the Duncan Hunter Defense Authorization Act for Fiscal Year 2009 requires that the Administrator of the National Nuclear Security Administration (NNSA) certify that design concerns raised by the Defense Nuclear Facilities Safety Board (Board) have been resolved before certain funds can be made available in support of the Chemistry and Metallurgy Research Building Replacement Project (CMRR) at the Los Alamos National Laboratory. This letter provides my certification as required by the Act and also provides the basis for my certification. The specific language from the Act is provided below for convenience:

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Project 04-D-125 Chemistry and Metallurgy Research Replacement (in this section referred to as 'CMRR') facility project, Los Alamos National Laboratory, Los Alamos, New Mexico, not more than \$50,200,000 may be made available until—

- (1) the Administrator for Nuclear Security and the Defense Nuclear Facilities Safety Board have each submitted a certification to the congressional defense committees stating that the concerns raised by the Defense Nuclear Facilities Safety Board regarding the design of CMRR safety class systems (including ventilation systems) and seismic issues have been resolved; and*
- (2) a period of 15 days has elapsed after both certifications under paragraph (1) have been submitted.*

The CMRR project comprises two principal structures. The first, the Radiological Laboratory, is nearly completed and the procurement of specialty equipment inside the facility has begun. The second, the Nuclear Facility is nearing the end of the preliminary design phase and will soon start final design. The Board's concerns relate to the Nuclear Facility.

The staffs of the NNSA and the Board devised a plan to fulfill the Certification requirements. The Board identified its concerns formally as "findings" in five letters sent to my staff. NNSA took action to resolve each issue and documented its actions in formal responses from NNSA back to the Board. Finally, the Board issued letters acknowledging its evaluation and acceptance of NNSA's resolution and declaring each of the findings to be closed.



The plan I approved for NNSA Certification draws heavily on the standard processes NNSA already had in place to assure that safety is properly integrated into the design of any new facility such as the CMRR-Nuclear Facility. Key elements of our safety review of facility design projects include the completion of the review and acceptance of the safety basis documentation by competent federal line managers and the completion of an intensive and thorough "Technical Independent Project Review" (TIPR) by a team of experts who are not affiliated with the project. To supplement these principal technical components, my staff has performed extensive oversight to assure that the delivered products have met the high standards of quality that I expect.

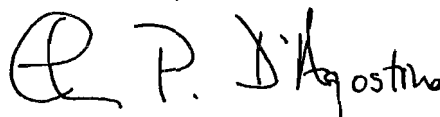
I have considered the following inputs in rendering my conclusion to certify that the concerns raised by the Board have been resolved:

- The development and approval with conditions of the applicable safety documentation ("Preliminary Documented Safety Analysis") by the Manager of the Los Alamos Site Office;
- Completion of the TIPR and the development of an associated action plan;
- Declarations from the project's Federal Project Director and the Los Alamos Site Office Manager that the Board's concerns are resolved and that the project is suitably mature for progressing to the next design phase. The Federal Project Director's report that summarizes the rationale used in determining that the issues are resolved is enclosed for reference;
- The close out of the Board Findings in concert with the Board and its staff;
- The independent oversight functions performed by my Headquarters staff;
- The advice and counsel from senior members of my staff; and
- Discussions with the Board and its staff that the concerns are resolved.

Accordingly, I am pleased to certify, in accordance with the requirement contained in the aforesaid Authorization Act, that the concerns raised by the Board are resolved. I understand from my discussions with the Vice Chairman of the Board that the Board will provide its report to the defense committees separately.

If you have any questions, please contact me or Mr. James B. Lambert, Acting Director, Office of Congressional, Intergovernmental and Public Affairs, at (202) 586-3714.

Sincerely,

Handwritten signature of Thomas P. D'Agostino in black ink.

Thomas P. D'Agostino
Administrator

Enclosure

cc: The Honorable Howard P. McKeon
Ranking Member



Department of Energy
National Nuclear Security Administration
Washington DC 20585

September 14, 2009

OFFICE OF THE ADMINISTRATOR

The Honorable Daniel K. Inouye
Chairman, Subcommittee on Defense
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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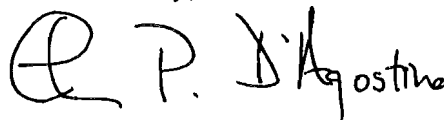
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Thomas P. D'Agostino
Administrator

Enclosure

cc: The Honorable Bill Young
Ranking Member



Department of Energy
National Nuclear Security Administration
Washington DC 20585

September 14, 2009

OFFICE OF THE ADMINISTRATOR

The Honorable John P. Murtha
Chairman, Subcommittee on Defense
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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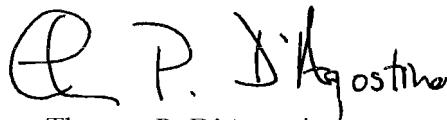
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Sincerely,

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Thomas P. D'Agostino
Administrator

Enclosure

cc: The Honorable Thad Cochran
Ranking Member



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

September 14, 2009

OFFICE OF THE ADMINISTRATOR

The Honorable Ike Skelton
Chairman, Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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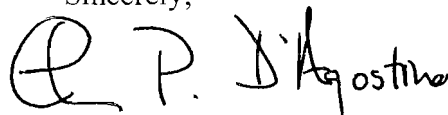
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Enclosure

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Ranking Member