

Peter S. Winokur, Chairman
Jessie H. Roberson, Vice Chairman
John E. Mansfield
Joseph F. Bader
Larry W. Brown

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004-2901
(202) 694-7000



July 16, 2010

The Honorable Inés R. Triay
Assistant Secretary for Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0113

Dear Dr. Triay:

The Defense Nuclear Facilities Safety Board (Board) has received your letter of July 2, 2010, and is pleased to note that the Department of Energy (DOE) agreed with our comments and took action to address the identified deficiencies, which included the need to strengthen the review's emphasis on safety. The Board has reviewed the changes made to the Hydrogen in Pipes and Ancillary Vessels (HPAV) Independent Review Team (HIRT) charter and the documentation provided with your response, and is encouraged that you took these actions. In your letter, you emphasized the importance of preserving the independence of the HIRT team. The Board, too, considers this a key component of HIRT activities.

The Board has followed a line of action intended to maintain the HIRT free from outside influence by the Board or its staff. Consequently, members of the Board's staff sent to observe HIRT activities followed strictly the appropriate protocol, withholding comment on the substance of the proceedings they attended. The overriding need in this case is to secure expert opinions that satisfy DOE's and its contractor's needs. That can only be accomplished by allowing the experts to form their opinions based solely on their expertise and the information they deem appropriate to inform their expertise. The Board recognized this, and operated within those constraints.

The Board appreciates the briefings and opportunities to observe that DOE provided to the Board and its staff during HIRT activities. They were very useful to focus the Board's internal discussions and concerns. However, they should not be construed as sufficient to meet the requirements of the Board's independent oversight functions under the Atomic Energy Act. Accordingly, the Board will carefully review the HIRT final report when it is issued and provide written comments, if warranted, to DOE to clarify and focus any remaining issues from the Board's perspective.

Sincerely,

Peter S. Winokur, Ph.D.
Chairman

c: Ms. Shirley J. Olinger
Mr. Dale E. Knutson
Mrs. Mari-Jo Campagnone