

**[DNFSB LETTERHEAD]**

July 30, 1993

The Honorable Hazel R. O'Leary  
Secretary of Energy  
Washington, D.C. 20585

Dear Secretary O'Leary:

The Board has reviewed the Department's Recommendation 93-1 Implementation Plan, and will consider it acceptable provided the conditions below are included.

First, during preliminary discussions between the DNFSB staff and members of your staff, the issue of comparability to commercial nuclear material processing was addressed. The pertinent section of the recommendation states: "The Board is committed to ensuring that the level of safety assurance at those facilities that assemble, disassemble and test nuclear weapons... can be measured to compare with the level of safety assurance provided to the public and site workers by commercial nuclear material processing facilities." The Board's understanding of the resolution reached between its staff and members of your staff is that during the second action step of the Implementation Plan, DOE should compare its final list of "critical safety elements" (which are defined as the fundamental elements necessary for safe operation) to similar lists in the commercial nuclear industry. One example would be the licensing review topics contained in the Nuclear Regulatory Commission's "Proposed Method for Regulating Major Materials Licensees," NUREG-1324. The Implementation Plan should be revised to include this comparison step. Second, the Board issued a letter to DOE on June 8, 1993 that, in part, delineated deficiencies in the manner in which compliance with DOE Orders had been assessed for the Y-12 Plant in Oak Ridge, TN. In the fifth action step of the Implementation Plan DOE commits to a "timely upgrade of the Order Compliance Self-Assessment Program at Defense Program facilities;" however, the Oak Ridge Operations Office is not listed in the introduction to the Implementation Plan as one of the offices to which the recommendation applies. The Implementation Plan should be revised to ensure that the upgrade of the Order Compliance Assessment Program, committed to in the fifth action step, is applicable to the Oak Ridge Operations Office and that the concerns raised in the Board's letter of June 8, 1993 are resolved.

If you have any questions on this subject, I would be pleased to discuss them with you further.

Sincerely,

*John T. Conway*  
Chairman

c: Mr. M. Whitaker, Acting DR-1  
Dr. E. Beckner, Acting DP-1