



The Secretary of Energy
Washington, DC 20585

October 22, 1996

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

Dear Mr. Chairman:

This letter provides the status of departmental efforts to satisfy commitments made in response to Defense Nuclear Facilities Safety Board Recommendation 91-6 and recommends that Recommendation 91-6 be considered for closure. In our 1993 implementation plan for this recommendation, the Department committed to:

- o Issue a formal statement of Department of Energy policy on radiation protection;
- o Develop and implement an expanded training program to address deficiencies in qualifications of persons responsible for radiation protection in the Department of Energy;
- o Examine and evaluate the Department's infrastructure and resources relative to radiation protection and identify areas that warrant strengthening;
- o Evaluate and upgrade the Occurrence Reporting and Processing System as a tool for enhancing radiological health and safety; and
- o Document the technical basis for the Department of Energy radiation protection standards, and correct any gaps found in the standards and practices.

We believe we have satisfied these corporate commitments while at the same time acknowledging operational improvements that remain to be accomplished at some sites.

Since the Board issued Recommendation 91-6, the Department has focused on defining clear program expectations and strengthening line management accountability for program execution. With the codification of radiation protection requirements in title 10, Code of Federal Regulations, part 835, the Department now has in place a regulatory based program, as mandated by Congress,

consistent with private industry. Backed up by a Secretarial radiation protection policy and program implementation guidance, we believe that a comprehensive set of performance benchmarks now exist.

Several other management actions and initiatives that respond to this recommendation and have contributed to strengthened radiation protection programs include:

- o Issuance of implementation guides to assist contractors in implementing the radiation protection-related requirements of Department of Energy regulations;
- o Approval of contractor radiation protection program plans that establish plans and measures to ensure compliance with title 10, Code of Federal Regulations, part 835, for all defense nuclear facilities;
- o Establishment of an oversight structure that will provide independent monitoring of compliance with title 10, Code of Federal Regulations, part 835; and
- o Standardization of the Department of Energy's radiation worker and radiation control technician training courses and the establishment of a working group to continuously improve the training material.

We are also in the process of preparing a comprehensive amendment to title 10, Code of Federal Regulation, part 835, for public comment. This proposed amendment is intended to consolidate the set of radiation protection requirements that the Department has determined are needed to provide adequate protection of its workers from occupational exposure to ionizing radiation. The amendment will broaden title 10, Code of Federal Regulations, part 835, by incorporating elements currently addressed in Department of Energy Notices and, where appropriate, by adopting current industry practices.

Accompanying these actions has been a concerted effort by the Department of Energy and contractor line programs to implement the philosophy and tenets of the Radiological Control Manual in operations. Since the issuance of Recommendation 91-6, significant progress has been achieved in improving conduct of operations involving radiation sources and maintaining exposures as low as reasonably achievable.

We are aware that strengthened policies, training, oversight, and organizational infrastructure are not sufficient if adequate program execution is wanting at the operational level. The lack of qualified radiation protection personnel in some Department of Energy field programs is of particular concern and is being addressed in an expedited fashion. Inadequacies in radiation exposure monitoring, particularly internal dosimetry, have been evident at some Department of Energy sites and are being addressed through a number of means including a pending Department of Energy bioassay accreditation program. The influx of new subcontractors and personnel unfamiliar with radiation hazards will challenge the Department to maintain vigilance in its radiation protection qualification and training program. Although these types of operational improvements remain to be accomplished, we believe that Recommendation 91-6 is no longer an effective mechanism for addressing them.

Board and Department staffs have worked diligently toward closure of commitments under Recommendation 91-6. Staff work is completed for currently relevant commitments, and ongoing management systems and initiatives are in place to ensure vigilance on the quality of worker radiation protection programs. In particular, the Department's implementation plans, developed in response to Board Recommendations 95-2 and 93-3, contain initiatives that continue important improvements in radiological protection:

- o Infrastructure and management of the Department's environment, safety, and health programs, including radiation protection, are being addressed as part of the implementation plan for Board Recommendation 95-2.
- o Issues related to qualifications of both Federal and contractor technical personnel, including key radiation protection professionals, are being addressed as part of the implementation plan for Board Recommendation 93-3 and the Contract Reform Initiative.

Lastly, in regard to the infrastructure and management of radiological control programs throughout the Department of Energy complex, and as previously identified as a task in the Department's implementation plan for Recommendation 91-6, the Department has prepared a program plan in response to the issues raised by the Infrastructure Evaluation Team report. In order to continue gauging the Department's success in improving infrastructure and management, the Office of Oversight will conduct oversight assessments of progress toward implementing the corrective actions of the program plan. Assessment reports will be provided to the Board annually--due by the anniversary date of the finalized program plan.

4

The Department believes that it is now appropriate for the Board to consider closure of the Department of Energy Implementation Plan developed in response to Recommendation 91-6.

I thank you for the ongoing and professional contribution of the Board staff in assisting the Department in improving occupational radiation protection at Department of Energy defense nuclear facilities.

Sincerely,


Hazel R. O'Leary