

John T. Conway, Chairman
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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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January 14, 2000

The Honorable T. J. Glauthier
Deputy Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Mr. Glauthier:

The Defense Nuclear Facilities Safety Board (Board) notes with interest and commendation, the action taken by the Department of Energy (DOE) Rocky Flats Field Office in citing its contractor for inadequate implementation of Technical Safety Requirements (TSRs) and Operational Safety Requirements (OSRs) set forth in site Authorization Agreements. (Reference Paul Golan Memorandum to R.G. Card dated December 16, 1999)

Compliance with the Authorization Agreement is a contractual requirement. Such agreements capture the conditions mutually agreed to be requisites for performing site-specific hazardous work safely and rightfully should be the focus for DOE safety oversight and enforcement actions. The Board looks to such DOE enforcement pressures to achieve prompt corrections to avoid potentially unsafe mishaps.

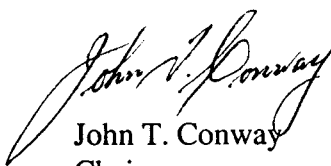
DOE now has three powerful tools for enforcing safety requirements that are obligatory upon its contractors: Price-Anderson enforcement, contract enforcement and enforcement through citations by an independent DOE oversight group, Environment, Safety and Health (EH). These enforcement actions are now independently executed.

DOE in the past year augmented its contract enforcement powers by the addition of a Conditional Payment of Fee Clause to its acquisition-regulation (DEAR) and has in response to Board Recommendation 98-1 put in place a strengthened corrective action program more responsive to EH findings. DOE is currently working on an initiative to enlarge the set of nuclear safety requirements subject to Price-Anderson enforcement.

The Board believes it important that the pressures to enlarge Price-Anderson enforcement coverage not result in imbalance in enforcement actions. Rather, all enforcement tools should be used in well-integrated and complementary fashion with actions proportionate to the risks from non-compliances.

The Board will continue to monitor for balance and effectiveness the overall enforcement program of DOE, both under provisions of the Price-Anderson Amendments Act of 1988 and the contract language per DEAR.

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Conway".

John T. Conway
Chairman

c: Mr. Mark B. Whitaker, Jr.