



The Secretary of Energy
Washington, DC 20585

May 6, 2002

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

Dear Mr. Chairman:

This is in response to your letter regarding our ongoing efforts to improve criticality safety within the Department of Energy. The current status and future plans for each of the issues cited in your letter are provided below:

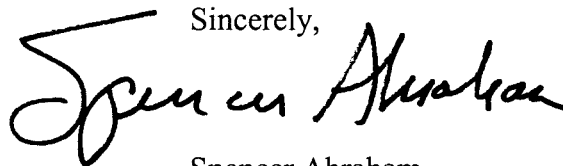
- As you noted, a vital issue requiring resolution is stability of funding for the Department's Nuclear Criticality Safety Program. The Department has made substantial progress in addressing this issue. The funding shortfall in fiscal year 2002 has been restored, but the funding process has clearly not been stable or reliable. Accordingly, Defense Programs has decided to fully fund and manage the Nuclear Criticality Safety Program for fiscal year 2003 and beyond. This is a significant departure from the shared funding approach that has been used with limited success over the past few years. We believe this new approach will provide better overall program management and a reasonable degree of funding stability. This program and its funding requirements will be defined in the Readiness and Technical Base and Facilities portion of the National Nuclear Security Administration's annual budget request.
- The Department agrees that availability of an experimental criticality test facility is fundamental to a viable criticality safety program. Every effort is being made to carefully plan the potential relocation of the Los Alamos Critical Experiments Facility to minimize operational impacts. The final Environmental Impact Statement is scheduled to be released within a few months, with a Record of Decision following the required deliberation period. As in the past, we expect continued participation by your staff in our relocation planning process.
- Regarding contractor criticality safety qualification plans, Field Offices are required by Department of Energy Order 420.1, *Facility Safety*, to review and approve these plans. We have asked our Field elements to provide their assessment of contractor qualification plans, including the bases upon which they made these assessments, and will inform you about the results after we review their submissions. We expect to complete this action by June 2002.



- The Criticality Safety Support Group reviewed the Department's Implementation Guides for Title 10 of the Code of Federal Regulations, Part 830, *Nuclear Safety Management*, and provided written comments to the Office of Environment, Safety and Health. A copy of these comments was informally provided to your staff. The Office of Environment, Safety and Health has made changes to the Guides based on these comments, and we are working with this office and our Field elements to assure that the guidance is applied uniformly and appropriately across the complex.
- Finally, the Department agrees that its Field Offices require qualified criticality safety personnel to maintain strong criticality safety programs at the sites. As part of the Department's Implementation Plan for Recommendation 2000-2, *Configuration Management, Vital Safety Systems*, the Federal Technical Capability Panel developed a report that identified the Department's needs for Federal technical personnel, including criticality safety personnel, capable of reviewing safety systems and programs essential to system operability. The report, "Analysis of Safety System Federal Staff Expertise and Availability," was provided to you on January 24, 2002, and identified personnel shortages in criticality safety at the Y-12 Area Office and the Los Alamos Site Office. Both of these sites are taking steps to fill the identified needs for criticality safety engineers. The Department remains committed to allocating resources to address shortages in Federal criticality safety personnel.

Dr. David Crandall, Assistant Deputy Administrator for Research, Development and Simulation, Office of Defense Programs, National Nuclear Security Administration, is the Responsible Manager for the implementation of Recommendation 97-2. Dr. Crandall will continue to oversee actions aimed at resolving the issues discussed above and will keep you informed regarding our progress. He can be reached at (202) 586-0568.

Sincerely,

A handwritten signature in black ink, appearing to read "Spencer Abraham". The signature is written in a cursive, flowing style with a large initial "S".

Spencer Abraham