



The Secretary of Energy
Washington, D.C. 20585

November 22, 2006

The Honorable A.J. Eggenberger
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW, Suite 700
Washington, D.C. 20004

Dear Mr. Chairman:

Thank you for your letter regarding the Department of Energy's (DOE) revised Implementation Plan (IP) for Defense Nuclear Facilities Safety Board (DNFSB) Recommendation 2004-2, *Active Confinement Systems*.

Your letter expressed concerns about the roles of the Central Technical Authority (CTA), Program Secretarial Officers (PSOs), and the Independent Review Panel (IRP) in the confinement ventilation system evaluation review and approval process. The Department fully agrees that maintaining competent, robust, and centralized oversight of this effort is required. The Department does not believe, however, that including the CTA, PSOs, or the IRP in the concurrence process is appropriate because it diminishes the site office line management accountability for the evaluations. The Department believes that the revised IP appropriately establishes the accountability for the reviews at the site office and continues to recognize the functions, responsibilities, and authorities of the CTAs and the program offices for maintaining nuclear safety operational awareness.

In particular, the Department of Energy's implementing actions for DNFSB Recommendation 2004-1, *Oversight of Complex, High-Hazard Nuclear Operations*, established the CTA function to maintain "operational awareness of the implementation of nuclear safety requirements and guidance..." Under the revised IP for DNFSB Recommendation 2004-2, both the CTA and IRP are involved in the evaluations, requiring the site office to interact and coordinate the evaluation with both the CTA and the PSO prior to its approval. As an oversight function, the level and method of involvement is at the discretion of the CTA. This may include using independent review boards, the IRP, or technical expert review. To ensure technical accuracy, the site offices have access to resources such as the CTA staff, the IRP, the PSOs, and the Service Centers to assist them in completing the evaluations.

This comprehensive approach to the review and approval of the confinement ventilation system evaluations includes multiple reviews and oversight by technically competent organizations. It is designed to ensure that appropriately consistent and conservative actions are taken as needed to improve confinement ventilation system performance. While the roles and responsibilities of the CTA



are under continuing discussion within the Department, I am confident that the CTA management of this issue will be appropriate. This approach is consistent with my acceptance of the recommendation and intended outcomes of the system evaluations established by the IP.

If you believe it would be helpful, the Department is prepared to discuss this matter with you at your earliest convenience. Following establishment of the Office of Health, Safety and Security, I have designated Mr. John Nichols, Acting Director, Office of Nuclear Safety and Environment, as responsible manager for Board Recommendation 2004-2. Mr. Nichols can be reached at (301) 903-1018.

Sincerely,

A handwritten signature in black ink, appearing to read "S. W. Bodman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Samuel W. Bodman