

Peter S. Winokur, Chairman
Jessie H. Roberson, Vice Chairman
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**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



August 12, 2011

The Honorable Steven Chu
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Chu:

The Defense Nuclear Facilities Safety Board (Board) has received and reviewed your June 30, 2011, response to the Board's Recommendation 2011-1, *Safety Culture at the Waste Treatment and Immobilization Plant (WTP)*. Your letter states that the Department of Energy (DOE) accepts the Recommendation, but that DOE does not agree with the findings in the Board's report — in particular, DOE disagrees with the Board's assessment of the overall quality of the safety culture at WTP, and indicates that the cited Office of Health, Safety and Security (HSS) report supports the conclusion that the WTP project has a robust and strong safety culture.

The Board appreciates the rapid response provided by you and your staff, and believes that the immediate actions you outlined will serve as a start to addressing this issue. However, the disparity between the stated acceptance and disagreement with the findings makes it difficult for the Board to assess the response against the Board's Policy Statement 1, *Criteria for Judging the Adequacy of DOE Responses and Implementation Plans for Board Recommendations*. The Board believes that an objective review of the following items will lead to greater alignment between the DOE and the Board on the basis for Recommendation 2011-1:

- the sources of supporting information identified in the Board's June 30, 2011, letter;
- the underlying data in the HSS report, especially the data from interviews with management and engineering personnel;
- the public comments received on Recommendation 2011-1, which have been transmitted to you by the Board's letter of August 3, 2011; and
- Differing Professional Opinions and union grievances relating to the disposition of WTP design issues within the DOE Office of River Protection.

Further, with regard to Sub-recommendation 3, based on your response, the Board is concerned that we did not clearly communicate our intent.

Sub-recommendation 3: conduct a non-adversarial review of Dr. Tamosaitis' removal and his current treatment by both DOE and contractor management and how that is affecting the safety culture at WTP.

Your response restates Sub-recommendation 3 as recommending that DOE “support the ongoing Department of Labor (DOL) review of Dr. Tamosaitis’ case.” The Board is aware that DOL is investigating whistleblower claims and allegations of retaliation against Dr. Tamosaitis. Sub-recommendation 3 is intended to address a separate issue. The Board is convinced that DOE would learn meaningful lessons for improving the safety culture of the WTP project if it reviewed the effects that the circumstances of Dr. Tamosaitis’ removal from the WTP project and his current treatment are having on the safety culture at WTP.

In order to provide sufficient time for you and your staff to address these items in your response to Recommendation 2011-1, the Board hereby provides the additional 45 days allowed under 42 U.S.C. § 2286d(b). Thus your acceptance or rejection should be transmitted by September 19, 2011.

To effectively judge DOE’s response to Recommendation 2011-1, the Board is seeking clarification in the following areas:

- DOE’s present assessment of the safety culture at WTP in light of the additional sources of supporting information now available to you;
- DOE’s current understanding of the conclusions of the HSS report;
- DOE’s present understanding and response to Sub-recommendation 3; and
- the independence, public stature, and leadership experience of the implementation team that will be called upon to provide safety culture insights and assessments to yourself and senior DOE leadership.

The Board agrees with you that it is important for both DOE and the Board to work toward setting and maintaining a high standard for the safety culture at DOE’s defense nuclear facilities. To support that requirement and in recognition of the significance of the concerns raised in Recommendation 2011-1, the Board designates Ms. Jessie Roberson, Vice Chairman, as the Board’s lead in this matter, to work directly with the Deputy Secretary of Energy.

Sincerely,



sw Peter S. Winokur, Ph.D.
Chairman

c: Ms. Mari-Jo Campagnone