

January 18, 2002

The Honorable Robert Gordon Card
Under Secretary of Energy, Science, and
Environment
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Mr. Card:

On October 15, 2001, a letter from the Defense Nuclear Facilities Safety Board (Board) formally advised you of potential issues related to the health and safety of the public and workers associated with the environmental management activities of the Department of Energy's Oak Ridge Operations Office (DOE-ORO) and its prime contractor, Bechtel Jacobs Company (BJC). The Board's letter identified issues related to the establishment and application of safety bases and controls for hazardous nuclear activities, the implementation of Integrated Safety Management (ISM), the application of nuclear safety requirements, and the technical capability of the organizations involved. Given the need to reestablish control over the safety of hazardous nuclear activities, the Board requested a report within 45 days providing a determination of the safety of ongoing operations.

DOE-ORO and BJC managers recognized the significance of the safety issues involved and suspended certain hazardous nuclear activities. (Subsequent corrective actions and compensatory measures allowed many of these activities to be resumed.) DOE-ORO suspended BJC's fissile material operations because of criticality safety concerns and revoked both BJC's and its own certification of ISM implementation. In addition, DOE and BJC have begun taking preliminary action to address the need for additional safety expertise. In the interim, DOE's Office of Environmental Management has rescinded its delegation of authority for DOE-ORO to approve safety basis documents.

On December 14, 2001, DOE's Office of Science (DOE-SC) provided an interim response on your behalf to the Board's reporting requirement. That response failed to make any assertion regarding the safety of ongoing operations and indicated that a final determination will not be provided until late January 2002. The response also did not address the status of the other issues encompassed by the Board's reporting requirement or describe a path forward for resolving them, except to request more time. The Board found the response unacceptable because of this lack of detail.

The Board requested a video teleconference with senior DOE and BJC personnel from Headquarters and Oak Ridge on December 19, 2001, to discuss the issues at Oak Ridge, the Board's reporting requirement, and DOE's response. DOE-ORO and BJC managers

acknowledged that the safety issues raised by the Board were real, long-standing, and potentially serious and reiterated that the lack of adequate safety bases and controls required prompt action.

The Board is aware of and commends the steps taken recently by DOE-ORO and BJC to bring in additional experienced personnel, including those from the Bechtel National, Inc. and Jacobs Engineering Group, Inc. parent companies, to help address these issues. Progress is also being made in that technical experts from the National Nuclear Security Administration and elsewhere have begun the process of evaluating the hazards of BJC's nuclear operations and the adequacy of controls for these hazards. Nevertheless, the Board remains concerned that DOE, particularly DOE-SC, has not yet developed a coherent and prioritized plan and is not aggressively pursuing the actions necessary to establish and control the safety bases for hazardous nuclear activities, as well as to address the more fundamental problems that allowed these conditions to exist. The Board and its staff are available to assist you to ensure that these safety issues are resolved in a comprehensive and technically adequate manner with no additional undue delay.

Sincerely,

John T. Conway
Chairman

c: The Honorable Jessie Hill Roberson
Mr. James F. Decker
Ms. Gertrude Leah Dever
Mr. Mark B. Whitaker, Jr.