

Amendment:

Revise the document consistent with the markup attached.

Justification:

The markup attached offers more clarity.

Sean Sullivan, Chairman

DEFENSE NUCLEAR FACILITIES

Bruce Hamilton, Vice Chairman

SAFETY BOARD

Jessie H. Roberson

Washington, DC 20004-2901

Daniel J. Santos

Joyce L. Connery



The Honorable James Richard Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Perry:

On September 26, 2017, the Defense Nuclear Facilities Safety Board (Board) closed Board Recommendation 2014-1, *Emergency Preparedness and Response*. In the Recommendation, the Board expressed concerns with: (1) the Department of Energy's (DOE) ineffective implementation and oversight of emergency preparedness and response requirements at defense nuclear facilities; and (2) the outdated baseline emergency management directive, DOE Order 151.1C, *Comprehensive Emergency Management System*.

The remaining deliverable in the DOE implementation plan is the development of a Criteria and Review Approach Document that aligns with the revised directive, DOE Order 151.1D, *Comprehensive Emergency Management System*. However, DOE has not standardized and improved implementation of its review approach, and it is our view that DOE has not succeeded in identifying and understanding deficiencies at its defense nuclear sites to ensure appropriate corrective actions are taken.

We are closing the current Recommendation because we have concluded that DOE's implementation plan will not adequately address the concerns raised in the Recommendation. A summary of the Board's concerns is enclosed.

Pursuant to 42 U.S.C. § 2286b(d), the Board requests that you provide the Board a briefing addressing the issues identified in the enclosure and DOE's assessment of the progress made to date to address Board Recommendation 2014-1, within 90 days of receipt of this letter.

Yours truly,

Sean Sullivan
Chairman

Summary of Board's concerns with DOE's response to Board Recommendation 2014-1

- DOE's implementation plan (IP) assigned the responsibility for all but one deliverable to DOE's Office of Emergency Operations (NA-40), which does not have authority to ensure implementation of the IP actions in the field at DOE's defense nuclear sites.
- DOE has not demonstrated the ability to consistently review and adequately identify deficiencies in its emergency preparedness and response programs across the complex nor ensure appropriate corrective actions are taken.
 - As stated in the enclosure to the Board's letter of February 8, 2016, regarding the first version of DOE's implementation plan, "The IP does not include how recurring program issues will be identified, critiqued through common cause analysis, and addressed by corrective actions."
 - The Board has not observed that DOE analyzed or leveraged information from the deficiency report produced under the IP to inform senior leaders about vulnerabilities in emergency preparedness and response. Therefore, the Board concludes that the report did not serve its intended purpose.
- In Recommendation 2014-1, the Board expressed concerns about the effectiveness of DOE's criteria and review approach in identifying deficiencies with emergency preparedness and response, conducting causal analysis, developing and implementing effective corrective actions to address these deficiencies, and evaluating the effectiveness of these actions. Contrary to its IP, DOE declared its corrective action procedures and risk-based oversight approach milestones as complete based on the sites' intentions to implement DOE's existing directives. The deficiencies identified by the Board developed and persisted under the existing directives; therefore, the Board has little confidence that this approach will address the deficiencies.
- The Board has observed some improvements in the field with respect to implementation of the requirements of DOE Order 151.1C, *Comprehensive Emergency Management System*. However, the improvements are not consistent across all the defense nuclear sites, so the Board concludes that Recommendation 2014-1 is not driving improvements in implementation at the sites. Without assistance from DOE headquarters, sites that struggled to implement the requirements of Order 151.1C will likely continue to struggle with implementing the improved requirements in Order 151.1D.

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Amendment by Board Member Roberson and Board Member Connery to YELLOW FOLDER Doc#2018-200-002, Regarding Closed Board Recommendation 2014-1

Doc Control#2018-200-002C

The Board, with Board Member(s) Jessie H. Roberson, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) Sean Sullivan, Bruce Hamilton *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, have voted to approve the above document on December 5, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Sean Sullivan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/05/17
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/05/17
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12/04/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12/04/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12/05/17

*Reason for Not Participating:

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.


Assistant Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: Amendment by Board Member Roberson and Board Member Connery to YELLOW FOLDER Doc#2018-200-002, Regarding Closed Board Recommendation 2014-1

Doc Control#2018-200-002C

Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

After deliberations at a public meeting held on September 26, 2017, the Board directed the staff to develop a proposed letter to the Secretary of Energy regarding the Board's closure of Recommendation 2014-1. The Board specifically directed the letter require the Secretary to respond "via a reporting requirement ... regarding DOE's commitment to complete the actions as specified in the Implementation Plan to Recommendation 2014-1." The proposed amendment would require the Secretary to respond in much more detail on a number of issues extending well beyond the remaining Implementation Plan actions. I do not support the more expansive use of the reporting requirement.

Whilst the Board is free to change its mind at any time, I am disappointed that we are being asked via notational vote to change a decision made after deliberation. The whole purpose of a meeting is to permit deliberations. Subsequently altering by notational vote (which does not permit deliberations) a decision made at a meeting calls into question the utility of Board meetings.



Sean Sullivan

12/5/17

Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Bruce Hamilton

SUBJECT: Amendment by Board Member Roberson and Board Member Connery to YELLOW FOLDER Doc#2018-200-002, Regarding Closed Board Recommendation 2014-1

Doc Control#2018-200-002C

Approved _____ Disapproved X Abstain _____
Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

The letter proposed in this Amendment purports to close Recommendation 2014-1 (a practice of good housekeeping, but one that is in no way required), while simultaneously stating that DOE's response to the Recommendation is incomplete and inadequate. The letter further requires that the Secretary of Energy report to the Board on progress made to date to address the Recommendation.

Either there remains an issue of adequate protection or there does not. This letter attempts to have it both ways, by closing the Recommendation, stating that corrective action is incomplete, and then requiring additional reporting. These mixed signals serve only to add ambiguity to the situation.

I therefore disapprove.


Bruce Hamilton

5 DEC 2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

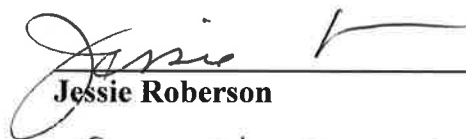
FROM: Jessie Roberson

SUBJECT: Amendment by Board Member Roberson and Board Member Connery to
**YELLOW FOLDER Doc#2018-200-002, Regarding Closed Board
Recommendation 2014-1**

Doc Control#2018-200-002C

Approved **Disapproved** **Abstain**
Recusal – Not Participating

COMMENTS: **Below** **Attached** **None**



Jessie Roberson
Dec 4, 2017

Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

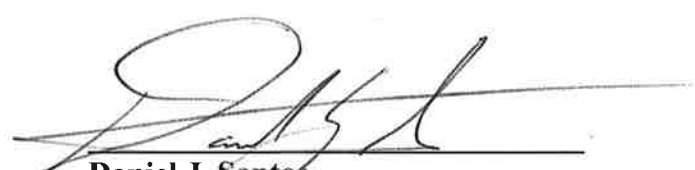
FROM: Daniel J. Santos

**SUBJECT: Amendment by Board Member Roberson and Board Member Connery to
YELLOW FOLDER Doc#2018-200-002, Regarding Closed Board
Recommendation 2014-1**

Doc Control#2018-200-002C

Approved **Disapproved** _____ **Abstain** _____
Recusal – Not Participating _____

COMMENTS: **Below** _____ **Attached** _____ **None**



Daniel J. Santos

12/4/17
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce Connery

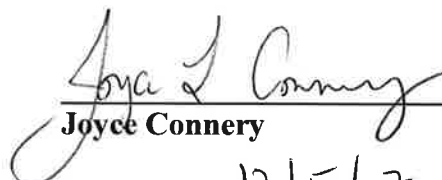
SUBJECT: Amendment by Board Member Roberson and Board Member Connery to YELLOW FOLDER Doc#2018-200-002, Regarding Closed Board Recommendation 2014-1

Doc Control#2018-200-002C

Approved **Disapproved** **Abstain**

Recusal – Not Participating

COMMENTS: **Below** **Attached** **None**



Joyce Connery
12/5/17

Date