

Defense Nuclear Facilities Safety Board

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**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

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February 5, 2001

Mr. Mark B. Whitaker, Jr., S-3.1
Departmental Representative to the
Defense Nuclear Facilities Safety Board
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Mr. Whitaker:

This letter conveys the Board's staff comments on the Draft Site-Wide Environmental Impact Statement (EIS) for the Oak Ridge Y-12 Plant.

Sections 3.1.2 and 3.1.1 of the EIS state that the Board "mandated stand-down of the Y-12 Plant in 1994." These statements are not accurate. The Board's Recommendation 94-4 recommended that DOE: 1) determine the immediate actions necessary to resolve the nuclear criticality safety deficiencies at Y-12; 2) evaluate compliance with Operational Safety Requirements and Criticality Safety Approvals; 3) review the nuclear criticality safety program; 4) review conduct of operations; 5) evaluate contractor experience, training, and performance; and 6) take corrective actions. The Board did not mandate a stand-down.

The Atomic Energy Act of 1954, as amended, does not provide for Board "mandates." Rather, the Board "make[s] such recommendations to the Secretary of Energy with respect to Department of Energy defense nuclear facilities, including operations of such facilities, standards, and research needs, as the Board determines are necessary to ensure adequate protection of public health and safety." 42 U.S.C. § 2286a(e)(5). Upon acceptance, the Secretary of Energy then "prepare[s] a plan for the implementation of each Board recommendation" and "carry[es] out and complete[s] the implementation plan." 42 U.S.C. §§ 2286d(e) and (f).

I have enclosed for your convenience a copy of the Board's statute and Board Recommendation 94-4. Please contact me at your earliest convenience if I can provide additional clarification.

Sincerely,

Richard A. Azzaro
General Counsel

Enclosures

cc: Gary S. Hartman, Environmental Scientist
Oak Ridge Operations Office

Comment No. 1

Issue Code: 16

Comment noted. Sections 3.1.1 and 3.1.2 of the Y-12 SWEIS have been revised to remove references to a "DNFSB mandated stand down at the Y-12 Plant in 1994."

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