

John T. Conway, Chairman
A.J. Eggenberger, Vice Chairman
John W. Crawford, Jr.
Joseph J. DiNunno
Herbert John Cecil Kouts

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004
(202) 208-6400

96-0001115



March 21, 1996

The Honorable Victor H. Reis
Assistant Secretary for Defense Programs
Department of Energy
Washington, D.C. 20585-0104

Dear Dr. Reis:

In his letter of January 16, 1996, Principal Deputy Assistant Secretary for Defense Programs, Dr. Everet H. Beckner, submitted what he described as "the final Quarterly Report for Recommendation 90-2 in accordance with the Defense Nuclear Facilities Safety Board's (Board) closure of the same."

Please be advised that the Board's closure of recommendation was conditioned on the acceptance of Recommendation 95-2. Since Recommendation 95-2 was not fully accepted by the Secretary of Energy, Recommendation 90-2 has not been closed and its Implementation Plan remains operative as set further in Board letter of January 26, 1996 to Secretary O'Leary. Accordingly, Department of Energy Quarterly Reports are still required.

Sincerely,

A handwritten signature in cursive script, reading "John T. Conway".

John T. Conway
Chairman

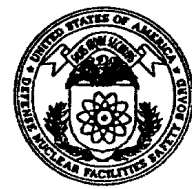
c: Mark Whitaker

Enclosure: January 26, 1996 letter to Secretary O'Leary

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625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004
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January 26, 1996

The Honorable Hazel R. O'Leary
Secretary of Energy
Washington, D.C. 20585-1000

Dear Secretary O'Leary:

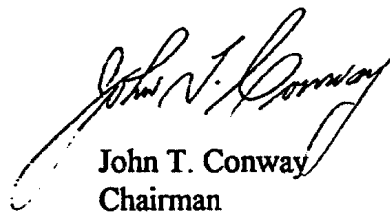
I refer to your letter of January 17, 1996, which contained a partial acceptance and a partial rejection of Recommendation 95-2 of the Defense Nuclear Facilities Safety Board (Board).

Subsequent to your publication of your letter in the Federal Register and the necessary period for public comment, which are statutory requirements, the Board must decide which of the steps called for in its enabling legislation is most appropriate, viz, either reaffirming the original Recommendation or making a revised Recommendation.

In the meantime, it would be best if progress could be made toward resolving the outstanding issues. The Board believes that the development of a sound authorization system for the Department of Energy's (DOE) activities in the defense nuclear field has high importance for the safety of these activities. I reiterate the offer made in discussions with you on December 14, 1995, and repeated in my letter of December 22, 1995, that specific Board Members and members of the Board's staff are prepared to discuss with your designees the mutual resolution of any related matters. You have indicated a similar willingness in your letter responding to the Recommendation. Early start of these discussions would be likely to move matters toward a resolution and ease the Board's decisions referred to above.

In the meantime, since Recommendation 95-2 has not been accepted fully, the Board considers that commitments made by DOE in response to Recommendations 90-2 and 92-5 are still in effect.

Sincerely,



John T. Conway
Chairman

c: The Honorable Charles B. Curtis
The Honorable Thomas P. Grumbly
Mr. Mark Whitaker