

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



June 24, 1994

The Honorable Thomas P. Grumbly  
Assistant Secretary for  
Environmental Management  
Department of Energy  
Washington, D.C. 20585

Dear Mr. Grumbly:

Thank you for your June 6, 1994 letter and for transmitting the Department of Energy's (DOE) Characterization Program Quarterly Report for the Board's Recommendation 93-5 covering the period January 1 through March 31, 1994.

Your letter takes issue with certain aspects of my earlier May 11, 1994 letter which noted that 29 items committed by DOE to be delivered to the Board during that period had not been delivered. In particular, your letter states that 26 of these deliverables had in fact been delivered to the Board's staff.

I have looked into this apparent discrepancy and have endeavored to resolve it. My May 11, 1994 letter was accurate; as of that date none of the DOE 29 deliverables had been formally delivered to the Board or its staff by DOE. Westinghouse Hanford Company (WHC) technical documents prepared for DOE review and, ultimately, for response to Recommendation 93-5, were provided to the Board staff for information pending DOE review, approval, revision, and endorsement. This effort by the Board staff to obtain early draft information apparently caused some misunderstanding.

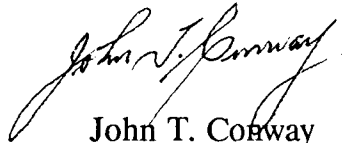
At the time of delivery by WHC, the contractor's technical documents were considered as preliminary, because they had not been reviewed or endorsed by the DOE Field Office or DOE Headquarters. By June 16, 1994, the Board had received only eight (8) deliverables from DOE. The transmittal letters from DOE accompanying these 93-5 deliverables do not, in all cases, unequivocally state whether DOE Richland and DOE Headquarters have accepted, endorsed, conditionally accepted, or approved the documents transmitted.

The Board, in furtherance of Section 314 of its enabling legislation, encourages its staff to seek access to safety information not only from DOE but also from contractors operating a DOE defense nuclear facility. This is particularly important when the information pertains to Board Recommendations and Implementation Plans accepted by the Secretary of Energy.

However, as discussed by the Board's staff with DOE-RL and EM-36 personnel on several occasions, the Board looks to DOE, and not to DOE contractors, to assume responsibility for meeting commitments made by DOE in its Implementation Plan. Similarly, the Board expects DOE to review, approve, and adapt any contractor-developed documents, as necessary, prior to formal transmittal to the Board in satisfaction of any Implementation Plan commitment.

In conclusion, let me say that the Board and its staff will continue to make every effort to work with DOE personnel and DOE contractors to assure that Board Recommendations and their Implementation Plans can properly be executed for the better protection of the health and safety of the public and the facility workers.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Conway". The signature is fluid and cursive, with a long horizontal stroke at the end.

John T. Conway  
Chairman

cc: Hon. Tara J. O'Toole, EH-1  
Hon. Victor H. Reis, DP-1  
✓ Mr. Mark Whitaker, Acting EH-6