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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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August 1, 1995

The Honorable Tara O'Toole
Assistant Secretary for
Environment, Safety and Health
Department of Energy
Washington, D.C. 20585

Dear Dr. O'Toole:

This will acknowledge your letter of July 21, 1995, responding to mine of June 30, 1995.

The Board agrees with your impression that Representative Fazio was not criticizing the Board's past practices. As pointed out in my letter, it was your criticisms and inaccurate responses to which we take exception. For example, it surely must have been evident to you that your testimony on March 8, 1995, was at odds with previous testimony and public statements of the Secretary of Energy. During the period from March until June, when your testimony was published, you had ample time to review the transcript and correct this and other factual errors or further clarify your remarks.

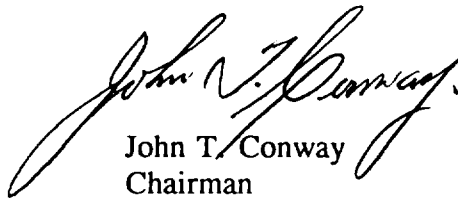
Yes, in past meetings with me and other Board members you have asserted that the Board's attention to nuclear safety issues, to use your words "skews attention and scarce resources away from other critical nonnuclear health and safety issues." In your letter, you say that this "is not the Board's fault, per se, nor is it a comment on the Board's performance." The implication, nevertheless, is that harm is somehow being done. The Board cannot accept this assertion as accurate. As you are well aware, every single recommendation made by the Board has been weighed most carefully by the Board and accepted as necessary by the Secretary to ensure adequate protection of public health and safety. As a logical matter, there may be both nuclear and nonnuclear health and safety matters that must be attended to at defense nuclear facilities. When you have discussed these subjects with us, on each such occasion we have responded that, as Assistant Secretary for Environment, Safety and Health, it is your personal responsibility to specify what nonnuclear health and safety issues were not being adequately attended to, and to see that appropriate corrective action is taken.

A case in point is your testimony that "the Board's emphasis on nuclear safety prohibits the kind of multidisciplinary approach that is really necessary in today's world." You cite as an example, the Board's efforts to assure the structural stability of Rocky Flats Building 371 instead of implementing effective monitoring programs to prevent beryllium disease in people at the site.

The Board still awaits your alternate proposal as to preventing beryllium disease at Rocky Flats versus Building 371 stability. During our visit last week at Rocky Flats, the Board made inquiry of the beryllium problem. There was unanimity among Department of Energy (DOE) field office and headquarters personnel present, as well as contractor representatives, that no current safety problem exists since no beryllium milling has been occurring since 1989. On the other hand, there was general consensus that an alternative building may have to be built to store the large plutonium inventory if the study reflects structural deficiencies in Building 371. Fortunately, your testimony to the Appropriations Committee did not cause necessary funds to be diverted from Building 371 structural studies.

The Board also awaits with interest, as you do, the report of the Federal Advisory Committee and its recommendations on external regulation of health and safety at DOE facilities. However, one must always remember that no outside regulator or other agency outside DOE can assure safety. Nuclear and nonnuclear safety at DOE facilities are the responsibility of you and other DOE personnel; a responsibility that cannot be delegated or transferred to others.

Sincerely,



John T. Conway
Chairman

c: The Honorable Thomas P. Grumbly
Mr. Mark Whitaker