

John T. Conway, Chairman  
A.J. Eggenberger, Vice Chairman  
John W. Crawford, Jr.  
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# DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004  
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February 1, 1996

Mr. Robert R. Nordhaus  
General Counsel  
Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585-0103

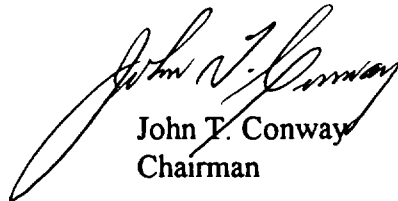
Dear Mr. Nordhaus:

The Defense Nuclear Facilities Safety Board (Board) continues to have concerns regarding the Department of Energy (DOE) revisions to Policy Statement 410.1 (Promulgating Nuclear Safety Requirements). These concerns are identical to those communicated to you on initial drafts of the policy statement, the version that was issued by DOE as interim policy in September of 1995, and subsequent DOE drafts discussed with you and your staff, up to and including our recent meeting on January 22, 1996.

We believe that the provision in Policy Statement 410.1 mandating the use of rulemaking for establishment of generally applicable nuclear safety requirements should make clear the intent to exclude: (1) imposition of work-specific safety requirements set forth in contracts with individual DOE contractors, and (2) DOE actions in responding to Board safety recommendations, in issuing implementation plans pursuant to those recommendations, and in actually implementing the plan which actions can be accommodated by suitable contract language.

The above two exceptions comport with long established DOE procedures and should be clearly set forth in order to prevent unnecessary confusion.

Sincerely,



John T. Conway  
Chairman

cc: The Honorable Thomas P. Grumbly  
Mr. Mark B. Whitaker, EH-9