

[DNFSB LETTERHEAD]

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