



Department of Energy

Washington, DC 20585

March 18, 2003

The Honorable John T. Conway
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW
Washington, D.C. 20004-2901

Dear Mr. Chairman:

The Secretary has asked me to respond to your February 14, 2003, letter regarding the Department of Energy's (DOE) programs related to suspect/counterfeit items in safety-related applications. I will be taking the lead in coordinating the Department's efforts in resolving these issues.

We appreciate the Defense Nuclear Facilities Safety Board's perspective on the actions needed to adequately assess whether potentially discrepant items heat-treated by Temperform USA have been installed in safety-related or mission-sensitive applications affecting defense nuclear facilities. We agree with your position on the matter as well as your assertion that action is needed to ensure adequate disposition of any future issues that involve suspect/counterfeit items.

I am working closely with the Assistant Secretary for the Office of Environmental Management (EM), Deputy Administrator for Defense Programs, and the Offices of the General Counsel and Inspector General to plan necessary actions to resolve the issues cited in your letter. We will also be reviewing the initial actions that have already been taken within the Department as part of this effort. The DOE Quality Assurance Working Group has collected a substantial amount of information. Also, the Assistant Secretary for EM sent a memorandum on February 11, 2003, to EM field managers providing clarification and lines of inquiry to support the investigation of the use of improperly heat-treated aluminum parts/materials from Temperform USA.

Although the Quality Assurance Working Group attempted to obtain information related to Temperform USA, the results did not adequately address all quality assurance issues or lessons learned from other similar Government-Industry Data Exchange Program notifications. The Department's senior management will implement needed actions to



address this crosscutting quality assurance issue. Therefore, the Department requests more time to fully address the Temperform USA issue and disposition of future issues that involve suspect/counterfeit items. The Department will provide you a progress report and briefing by April 15, 2003, and we will work closely with your staff in resolving this issue.

If you have any questions, please contact me or Mr. Ray Hardwick at (202) 586-6151.

Sincerely,



Beverly A. Cook
Assistant Secretary
Environment, Safety and Health

cc:

K. McSarrow, S-2
L. Brooks, NNSA
R. Card, S-3
E. Beckner, NA-10
J. Mangeno, NA-3.6
J. Roberson, EM-1
M. Whitaker, S-3.1