

**[DNFSB LETTERHEAD]**

November 20, 1996

Mr. Mark B. Whitaker, Jr.  
Departmental Representative to the  
Defense Nuclear Facilities Safety Board  
Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Mr. Whitaker:

This is in response to your letter to Dr. Lester Ettliger, dated November 5, 1996, and confirms yesterday's discussion regarding DOE Order 251.1A and its associated manual DOE M 251.1-1A. When we received your November 5, 1996 letter, Dr. Ettliger and I were preparing for the Board's hearing on the status of all DOE safety orders and rules held on November 7, 1996.

DNFSB staff's preliminary review of the "final draft," transmitted by your letter, indicates that significant issues remain open. As I stated to you on November 19, this draft continues to involve Human Resources personnel in aspects of the development of DOE environmental, health, and safety directives that should be controlled by the Office of Primary Interest having technical expertise. You will recall that the Board itself reiterated the importance of this issue at its hearing on November 7, 1996. The positive news is that minor word changes will correct the problems we have identified to date. Additional issues, considered significant enough to warrant review and disposition before the Department's November 26, 1996, publishing deadline, have already been communicated to Mr. Wyka. Staff's written comments, that may contain additional concerns, will be provided to you immediately upon completion of our legal and technical review.

As you know, the Board always takes the position that DOE is at liberty to issue safety standards when the Department deems it necessary or appropriate. However, the current versions of DOE Order 251.1A and its associated manual DOE M 251.1-1A, while improved, contain deficiencies which we have been trying to fully correct for over a year. If the two documents are published in their current form, you can rest assured that they will be the subject of questioning by the Board at the hearing on December 12, 1996.

Please let me know if I can provide you with any additional information that may expedite resolution of this matter.

Sincerely,

**Robert M. Andersen**  
General Counsel