

February 28, 2003

The Honorable Robert Gordon Card
Under Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Mr. Card:

The Defense Nuclear Facilities Safety Board (Board) is in receipt of your February 14, 2003 letter (received on February 25, 2003) relative to pending proposed changes to existing Department of Energy (DOE) Safety Orders and other standards. While your letter properly recognizes the statutory responsibilities imposed on the Board to review and evaluate DOE Orders *inter alia*, it refers to the Board's comprehensive review of proposed Order changes
“ . . . once the dispositions have been issued and implemented”

The Board is concerned that DOE is proposing to change the long established policy whereby the Board and the DOE review in parallel proposed changes to existing safety orders and other standards prior to issuance and implementation. In reviewing and evaluating safety standards, the Board is required by law to recommend to the Secretary of Energy “those specific measures that should be adopted to ensure that public health and safety are adequately protected.” Are you suggesting a new policy when DOE makes changes to safety orders and other standards that the Board's review and recommendations are to await adoption and implementation of the contemplated changes?

The Board would appreciate a prompt clarification of this issue. As to the resolution of the other matters discussed in your letter regarding contractor requirement documents and accident investigations, the Board's staff currently is in discussion with DOE staff.

Sincerely,

John T. Conway
Chairman

c: Mr. Mark B. Whitaker, Jr.