

**[DNFSB LETTERHEAD]**

January 30, 1996

The Honorable Hazel R. O'Leary  
Secretary of Energy  
Washington, DC 20585-1000

Dear Secretary O'Leary:

By letter dated December 5, 1995, the Defense Nuclear Facilities Safety Board (Board) imposed a reporting requirement on the Department of Energy (DOE), pursuant to 42 U.S.C. Section 2286b(d), requesting issuance of a new revision to the Manual of Functions, Assignments, and Responsibilities for Nuclear Safety (FAR Manual) by February 1, 1996. On December 28, 1995, the Assistant Secretary for Environment, Safety and Health (EH) issued a response to this reporting requirement stating that DOE would "revise the FAR Manual by February 1, 1996, or 60 days after promulgation of the [nuclear safety] rules."

The Board had previously issued a letter on October 4, 1995, to the Assistant Secretary for Environmental Management (EM) imposing a reporting requirement on DOE regarding the implementation of Recommendation 93-4. Included in that reporting requirement was a request that DOE provide a reconciliation of departmental efforts to define responsibilities. On January 17, 1996, EM responded by requesting an extension to address the reporting requirement and committing to "revise the FAR Manual by February 1, 1996, or 60 days after issuance of nuclear safety rules."

The DOE replies of December 28, 1995, and January 17, 1996, both make a commitment to revise the FAR Manual by February 1, 1996, or 60 days after the issuance of nuclear safety rules. However, this commitment is not consistent with the commitment made on December 14, 1995, by EH at the Quarterly Meeting with you and the Board to provide a revised FAR Manual by February 1, 1996. By adding the phrase "or 60 days after the issuance of nuclear safety rules," the commitment is altered from a fixed date to one that is open ended. The Board recognizes that the FAR Manual is a living document and safety functions and responsibilities may well change as new safety requirements are developed and promulgated.

However, the Board does not understand how DOE managers with safety responsibilities can be expected to discharge them with full effectiveness unless the FAR Manual is kept current and existing responsibilities are defined and understood. Therefore, the Board requests that you confirm that an updated FAR Manual will be completed, at least as an interim document, by February 1, 1996. If this is not possible, the Board asks to be informed of what management measures will be taken to issue the revised FAR Manual at the earliest practicable date and to be informed of what that date will be.

In response to EM's request for an extension in responding to the reporting requirement of October 4, 1995, the Board hereby grants an extension to March 4, 1996. This extension is to be applied to addressing issues related to Recommendation 93-4, but not with regard to the FAR Manual update. If you have any questions, please do not hesitate to call.

Sincerely,

***John T. Conway***

Chairman

c: The Honorable Thomas P. Grumbly  
The Honorable Tara O'Toole  
The Honorable Victor H. Reis  
Mr. Mark Whitaker