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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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November 18, 1998

The Honorable Bill Richardson
Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Richardson:

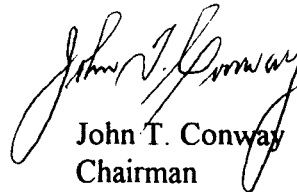
The Department of Energy's (DOE) quarterly progress report on the implementation of Defense Nuclear Facilities Safety Board (Board) Recommendation 94-2 for the period July 1, 1998, to September 30, 1998, has been received. Recommendation 94-2, *Management of Low-Level Radioactive Waste*, was issued by the Board on September 8, 1994, and subsequently accepted by DOE. An implementation plan acceptable to the Board was provided on March 31, 1995. When the deliverable schedule associated with that plan proved overly optimistic, a mutually acceptable April 1996 revision was developed. A review of the aforementioned quarterly report by the Board's staff indicates that most of the actions originally proposed in the recommendation either have been completed or are currently being addressed appropriately.

Nevertheless, the Board is concerned that completion of one important action from the original recommendation continues to be significantly delayed: the requirement for "development and issuance of additional requirements, standards or guidance on low-level waste management that address safety aspects of waste form and packaging, burial ground siting and performance assessment, facility design, construction, operation, closure, and environmental monitoring." This requirement has, appropriately, become subsumed under DOE's efforts to produce a new overall waste management Order (435.1) to replace existing Order 5820.2A. However, the Board understands that under DOE's plan, Order 435.1 will not be completed and implemented for at least 3 years. The Board believes this is an unacceptably long delay. A target date of 12 months hence should be readily achievable.

There are two additional actions necessary for closure of Recommendation 94-2:
(1) completion on schedule, or evidence of satisfactory progress toward completion, of the remaining performance assessments for existing low-level waste burial grounds, including their respective composite analyses, and (2) implementation of an acceptable outstanding low-level waste R&D needs strategy.

The Board is greatly appreciative of your Secretarial Policy Statement of October 1, 1998, reaffirming DOE's commitment to Integrated Safety Management and stressing the importance you attach personally to DOE's meeting commitments made to the Board. It is hoped, therefore, that you will direct staff to accelerate efforts to complete the outstanding commitment made relative to Recommendation 94-2 within the next 12 months. If this can be achieved in parallel with the two other actions identified above, Recommendation 94-2, which has remained open for 4 years, may be closed within a year.

Sincerely,



John T. Conway
Chairman

c: Mr. Mark B. Whitaker, Jr.