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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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May 4, 1999

Mr. James M. Owendoff
Acting Assistant Secretary for
Environmental Management
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Mr. Owendoff:

The Defense Nuclear Facilities Safety Board (Board) has reviewed the February 2, 1999, draft of the Department of Energy (DOE) Order 435.1, *Radioactive Waste Management*, and its supporting manual and guidance. In the process, members of the Board's staff have interacted with the DOE's Office of Principal Interest on various technical details and have advised the Board that potential issues were resolved.

The Board is pleased to advise you that we consider the requirements set forth in the Order to be appropriate and adequate. However, the Board notes that a number of guidance documents planned for issuance as complementary to the Order will not be completed until some months from now (summer 1999). These include: (1) *Format and Content Guide for Performance Assessment and Composite Analysis*, (2) *Review Guide for Performance Assessments and Composite Analysis*, and (3) *Maintenance Guide for Performance Assessments and Composite Analysis*. The new guides are important for maintaining Performance Assessments (PAs) and Composite Analyses (CAs) for existing facilities and for meeting commitments in the Implementation Plan for Board Recommendation 94-2, *Conformance with Safety Standards at Department of Energy (DOE) Low-Level Nuclear Waste and Disposal Sites*.

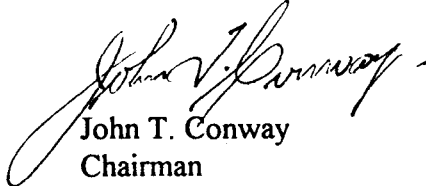
With respect to Recommendation 94-2 the pace of the program to satisfy commitments made to the Board has been exceedingly slow. The Board urges DOE to renew its commitment to take the steps described in your letter of February 1, 1999, to support closing out the recommendation by the end of 1999.

The two most critical of those steps are (1) the issuance of acceptable versions of the aforementioned guidance documents and (2) the existence of an acceptable strategy for identifying outstanding low-level waste Research and Development (R&D) needs. On April 19, 1999, we received DOE's implementation plan for the R&D needs strategy, and it has been reviewed by members of our staff. Due to concerns regarding the effectiveness of this plan in the current environment of shrinking budgets, and pursuant to your letter of February 1, 1999, we anticipate the need to have further discussions on the plan with DOE in order to determine its acceptability.

Please keep us informed via the quarterly Recommendation 94-2 report process on progress in completing the remaining guidance documents and notify us when the final directive has been issued. Subsequent to issuance of the directive, implementation progress should be addressed in the quarterly reports.

The Board has assigned Mr. Dermot Winters to lead the completion of the review effort by the Board's staff and to continue technical dialogue with DOE staff as the Order is implemented and other Recommendation 94-2 commitments are completed. If you have any questions on this matter, please do not hesitate to call me.

Sincerely,



John T. Conway
Chairman

c: Mr. Mark B. Whitaker, Jr.
Mr. Joseph Arango
Mr. Martin Letourneau