



The Under Secretary of Energy
Washington, DC 20585

March 13, 1997

The Honorable John T. Conway
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW, Suite 700
Washington, D.C. 20004

Dear Mr. Chairman:

In a follow-up to your recent public meetings, evaluating the new Department of Energy rules and orders affecting nuclear safety, I have directed the Departmental Representative to manage and resolve the remaining issues discussed at the November 7 and December 12, 1996, public meetings. Subsequently, the Departmental Representative has developed the enclosed Action Plan on Rules and Orders Transition which establishes actions that the Department is undertaking to address these transition issues.

The Office of the Departmental Representative will work closely with your staff in the implementation of this Action Plan. The drafts of the rules and orders submitted to the Board for review prior to the hearings represented the Department's technical position at the time, although internal review was not complete. To the extent that the final approved rules and orders vary from agreed-to positions discussed at either of the aforementioned public meetings, the Departmental Representative will resolve any differences with your staff prior to issuance.

The Department remains committed to an orderly transition of safety requirements from the old nuclear safety orders to the new rules and orders. I am personally engaged in the resolution of the most difficult of these technical issues such as implementation of the rules with the Department's ongoing, integrated safety management efforts. The Department expects to resolve all of the remaining issues by June 5, 1997.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Grumbly", written over a horizontal line.

Thomas P. Grumbly

Enclosure

memorandum

DATE: February 18, 1997

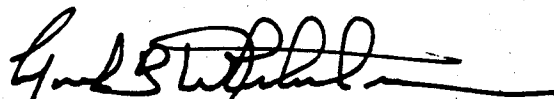
REPLY TO
ATTN OF: Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board:
S-3.1: T. Wyka 6-3887

SUBJECT: ORDERS AND RULES TRANSITION ACTION PLAN

TO: Distribution

The attached Action Plan is an update to the December 18, 1996, plan which captures the actions that the Department is undertaking to address the orderly transition of safety requirements from the old Orders to the new Orders and Rules. These actions were discussed at the November 7 and December 12, 1996, public meetings. The Department is committed to following-up on these action items. I have been directed by the Under Secretary to manage this Action Plan and track these issues to completion.

Maintaining an accurate accounting and status of these action items is important for reaching closure on the orders and rules transition. These actions have been reviewed by the action leads and are expected to be completed as scheduled unless prior notice and justification is provided. The Under Secretary will be updated on status and progress on a bi-weekly basis until completion. Ted Wyka (6-3519) is my lead for working with the program offices to ensure timely follow-through and completion. Please contact me at 6-3887 with any questions or comments.



Mark B. Whitaker, Jr.
Departmental Representative
to the Defense Nuclear
Facilities Safety Board

Attachment

Action Plan on Rules and Orders Transition

DOE Order 420.1, Facility Safety

1. Issue the two remaining Implementation Guides following final review by the Board Staff:
 - DOE G 420.1-X Implementation Guide for Non-Reactor Nuclear Safety Design Criteria and Explosives Safety Criteria
 - DOE G 420.1-Y Guidance for Mitigation of Natural Phenomena Hazards for DOE Nuclear and Non-Nuclear Facilities

(Lead: Dick Englehart/Harish Chander, EH; Issuance date: March 14, 1997)
2. Develop a non-mandatory Design Considerations Reference document for nuclear nonreactor applications which will capture lessons learned and good design practices and experiences developed over the past 50 years.

(Lead: Rich Stark, Design Considerations Reference Core Team; December 1997; Outline and initial drafting assignments have been defined. Initial chapter drafts are to be completed by February 28, 1997)
3. Resolve the Board Staff comment regarding the consideration of the point of nearest public access by adding a statement in the SAR rule requiring a report in the annual update of SAR for any site boundary changes and an assessment of those changes on facility safety systems.

(Lead: Dick Englehart, EH-3, Complete, Change has been made in the proposed SAR Rule 10 CFR 830.110)
4. Develop and provide the Board an action plan dealing with worker protection criteria.

(Lead: Joe Fitzgerald, EH-5 in coordination with EM and DP; Draft action plan to be provided by March 14, 1997)
5. The Under Secretary made a commitment on September 2, 1995 for a continuous process to convert DOE developed natural phenomena hazards standards into national consensus standards and incorporation into the natural phenomena hazards programs of appropriate new national standards.

(Lead: Dick Black, EH-3 in coordination with EM and DP; Ongoing)
6. Issue the Fire Protection Design Criteria Standard following final review by the Board Staff.

(Lead: Dennis Kubicki, EH-5; March 7, 1997)

DOE Order 251.1A Directives System

7. Resolve Board Staff comments and issue DOE Order 251.1A, Directives System, including the Contractor Requirements Document and DOE M 251.1-1, Directives System Manual.

(Lead: Marcia, Morris, HR-6; Resolution of Board Staff comments and issuance of the Order and Manual; February 28, 1997)

8. Board Staff believes that procedural changes are needed to prevent premature issuance of DOE Directives affecting public health and safety. The resolution of Board Staff comments prior to the issuance of the new orders and rules was agreed to between the Department and Board at the September 20, 1995 public meeting.
(Lead: Marcia Morris, HR-6 and S-3.1; Complete; Clarification provided in the Order/Manual)
9. Issue the key nuclear safety terms which are needed in implementing the recently issued Orders and their associated manuals.
(Lead: Marcia Morris, HR-6 in coordination with DP, EM, EH and GC; List and definitions for key nuclear safety terms will be developed by May 1, 1997. As interim fix, definitions required for effective implementation of orders and associated manuals will be provided to HR by the respective order Offices of Primary Interest by February 20, 1997, and amended to the new orders as expeditiously as possible)

DOE Order 435.1, Radioactive Waste Management

10. Complete draft DOE Order 435.1 and its associated Manual and Implementation Guides.
(Lead: Mark Frei, EM; Draft Order, Manual, and Implementation Guides to be provided for Board Staff review by February 28, 1997)

DOE Order 430.1, Life Cycle Asset Management

11. Remove the decommissioning chapter in 5820.2A and add appropriate requirements and guidance in a change to the current section 6.g. (decommissioning) in the Life Cycle Asset Management (LCAM) Order, DOE O 430.1.
(Lead: Bill Wisenbaker, EM; and Peter Devlin, FM; Directives Management Document for draft LCAM change to be prepared by March 17, 1997)
12. Link the Deactivation End-Points Handbook and the Decommissioning Resource Guide with the LCAM Order. Content of material in the Facility Disposition Guide will be evaluated for incorporation into other Directives documents.
(Lead: Bill Wisenbaker; April 1997)
13. Complete a draft of the Facility Disposition Manual. This manual provides a systematic approach to deactivation, surveillance, maintenance, and decommissioning.
(Lead: Bill Wisenbaker, March 17, 1997)

DOE Orders 452.1/452.2, Weapons Orders

14. Resolve the Board Staff comments and issue the Weapons Orders and Implementation Guide, DOE G 452.2-1
(Lead: Dana Krupa, DP-20; December 1996; Complete)

DOE Order 210.1, Performance Indicators

15. Implement the DOE Order 210.1, Performance Indicators Technical Issue Action Plan of September 3, 1996. In this plan, DOE will conduct periodic workshops with field contracting officers and line managers to identify lessons learned for preparing and implementing contracts including effective use of performance measures. DOE will then determine the best means of institutionalizing these lessons learned based (i.e. linking the lessons learned with DOE Order 210.1 or another directive)
(Lead: Tom Rollow, EH-3 in coordination with Frank McCoy, 95-2, Paul Krumpke, DP, and John Tseng, EM: Complete action plan by March 1997)

DOE Orders 460.1/460.2, Transportation Orders

16. Issue Implementation Guide DOE G 460.1-1 for use with DOE Order 460.1
(Lead: Ted Needles, EM, March 28, 1997)
17. Issue Implementation Guide DOE G 460.2-1 for use with DOE Order 460.2
(Lead: Mike Maline, EM, Complete)
18. Complete the FRA Manuals for the 95-2 ten priority facilities by May 1997. This includes the Phase 1 level FRA Manual (Corporate level) and the Phase 2 CSO and field Office level documents.
(Lead: Frank McCoy, Under Secretary FRA Manual Executive Team; May 1997)

DOE Order 440.1, Worker Protection Management for DOE Federal and Contractor Employees

19. Issue the listed Implementation Guides following final review by the Board Staff:
 - 440.1-XX Implementation Guide for use with Suspect/Counterfeit Items Requirements of DOE Order 440.1, 10 CFR Part 830.120, and DOE 5700.6C
(Lead: Bud Danielson, EH-3: April 18, 1997)
 - 440.1-1 Worker Protection Management doe DOE Federal and Contractor Employees
(Lead: Terry Krietz, EH: April 30, 1997)

- 440.1-2 Construction Safety Management
Lead: Pat Finn, EH; April 30, 1997)
- 440.1-3 Occupational Exposure Assessment
(Lead: Dave Pegram, EH; Implementation Guide is being evaluated in the Enhanced Work Planning effort and will also be reviewed under the upcoming "Worker Protection Criteria" effort. Submitted for formal coordination by June 1997)
- 440.1-4 Contractor Occupational Medical Program
(Lead: Cherry Keller, EH, April 30, 1997)
- 440.1-5 Fire Safety Program
(Lead: Dennis Kubicki, EH, Issued on September 30, 1995; Completed)

DOE Order 232.1, Occurrence Reporting and Processing of Operations Information

20. Revise the order and its associated manual, consistent with, and prior to issuance of Part 830.350 rule, Operational Occurrence Reporting.
(Lead: Tom Rollow, EH-3. Prior to issuance of Part 830.350)

DOE Order 151.1, Comprehensive Emergency Management System

21. Issue the DOE Order 151.1 Implementation Guides, Volume I-VII, following final review by the Board Staff.
(Lead: John Nettles, NN; Promulgated for review and comment in November 1996; Projected to be issued in June 1997)

Part 830 Rules

22. Submit the Part 830 Rules to OMB following resolution of questions within the Department regarding compatibility of these rules with integrated safety management.
(Lead: GC and EH, in coordination with Program Offices (EM, DP, ER, NE); Upon resolution of implementation issues, Discussions are ongoing and a path forward is currently being defined)

Part 820, Procedural Rules for DOE Nuclear Activities

23. Resolve written Board Staff General Counsel comments dated May 13, 1996 and July 2, 1996 which object to the specific adequate protection and special circumstance determination changes discussed by the Department.
(Lead: Doug Smith, GC; Completed in a February 10, 1997 meeting with the Board General Counsel)

24. DOE GC resolve with the Board Staff that the current exemption rule will remain in effect (i.e. no proposed changes to the rule)
(Lead: Doug Smith, GC, Completed in testimony at the December 12, 1996 public meeting)

Part 835, Occupational Radiation Protection

25. Complete revisions to the remaining three Implementation Guides and the standards related to Internal Dosimetry.
- DOE G 441.3-1 Internal Dosimetry
(Lead: Joel Rabovsky, EH; Issue for Departmental review on February 28, 1997)
 - DOE G 441.7-1 Instrument Calibration
(Lead: Joel Rabovsky, EH; Issue for Departmental review on February 28, 1997)
 - DOE G 441.10-1 Posting and Labeling
(Lead: Joel Rabovsky, EH; Issued for Departmental review and comment; Comment period ends in May 1997)
 - SAFT 0057 Internal Dosimetry Technical Standard
(Lead: Joel Rabovsky, EH; Issued for review and comment; Comment period ends in May 1997)
26. Issue the amendment to 10 CFR 835.
(Lead: Doug Smith, GC in coordination with EH; Completed December 13, 1996. Submitted to the Federal Register)

Part 834, Radiation Protection of the Public and the Environment

27. Resolve the Board Staff comments regarding applicability of the DOE Order 5400.5 guidance documents with the proposed rule.
(Lead: Andy Wallo, EH-4; The 5400.5 guidance documents which are not upgraded will be referenced in the Part 834 Implementation Guide expected to be complete by March 1997)
28. Complete resolution of EPA comments and submit the proposed Rule 10 CFR 834 to OMB.
(Lead: Andy Wallo, EH-4/Doug Smith, GC; Upon resolution of EPA and NRC comments; Projected date: Earliest by April 1997)