

Performance-Based Contracts DOE Order Review

Directive Number and Title: M 140.1-1B, Interface with the Defense Nuclear Facilities Safety Board

Originating Office: Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board (S-3.1)

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Background

The Defense Nuclear Facilities Safety Board (Board) was established by Congress in 1988, began operations in 1989, and issued its first formal recommendations in 1990. Within 2 years of the Board's first recommendations, it became clear to DOE senior management that a guideline for DOE interaction with the Board was needed to ensure that legal requirements were met and to make interface with the Board both efficient and effective. The initial guideline for DOE interaction with the Board was developed and issued in October 1992, shortly after the Office of the Departmental Representative (then DR-1) was established in September 1992. The Guidelines for Department interface with the Board were subsequently revised and reissued three times to incorporate successful practices and lessons learned. They were reissued in that format in July 1993, September 1995, and October 1996.

In 1996, consistent with ongoing initiatives to formalize operating practices into DOE standards and requirements, and to eliminate "rogue" directives, the Guidelines were brought into the Department's directives system. The Interface Guidelines were re-formatted and issued as the Interface Manual, DOE M 140.1-1, in December 1996. In accordance with the 2-year directives review periodicity, the Interface Manual was subsequently revised and re-issued, consistent with the directives procedures, as DOE M 140.1-1A in January 1999 and, most recently, as DOE M 140.1-1B, just ten months ago, in March 2001. The next periodic review is scheduled for March 2003. The Contractor Requirements Document (CRD) for this Manual was initially established in December 1996 and has not substantially changed since its establishment.

In summary, the contents of the current Interface Manual have been reviewed and approved 7 times in less than 10 years. This represents numerous opportunities for headquarters and field, DOE and contractors, to provide comments on the content of the Manual and to identify unnecessary or onerous requirements. With each revision, comments from field and headquarters points of contact have been actively solicited and have been resolved through two-way communications. The result is a directive that is highly refined, often recognized for its clarity, and one that has broad support. With each subsequent re-issuance, the number and substance of the comments on this directive have decreased.

Overview of Requirements

The requirements in DOE Manual 140.1-1B evolve from and procedurally implement DOE requirements contained in the Board's enabling legislation, Atomic Energy Act of 1954, Sections 311-321 (42 U.S.C. §§ 2286-2286j). In particular, the enabling legislation requires the Department to "fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information as the Board considers necessary to carry out its responsibilities." The enabling legislation makes clear that this cooperation must come from both DOE and each contractor operating DOE defense nuclear facilities under a DOE contract, to the extent provided in such contract. In addition to the requirement to cooperate, the enabling legislation identifies a number of more specific requirements, including:

- responding to Board recommendations and reporting requirements,
- providing Board implementation plans for each accepted Board recommendation, and
- providing Annual Reports to Congress on Board-related activities.

The Interface Manual describes how these various congressional requirements are to be fulfilled and delineates processes and roles and responsibilities. Most of the Manual requirements apply to DOE personnel although a few must be passed along directly to contractors via the CRD. The CRD requirements delineate expectations for cooperation with the Board, for notification of DOE, and for assurance of safety in response to Board-identified issues. The CRD requirements are summarized below:

1. Assign a Point of Contact for Board-related matters.
2. Notify DOE of any interactions with the Board or its staff.
3. Obtain DOE approval before making commitments to the Board or its staff.
4. Release documents requested by the Board or its staff within 15 days.
5. Be courteous, open, honest, and responsive to the Board and its staff.
6. Attend entrance and exit meetings during site visits by the Board or its staff.
7. Make personnel available for interviews with the Board or its staff, unless requested interviews conflict with safety duties.
8. Evaluate perceived or actual unsafe conditions identified by the Board or its staff, and take appropriate action.

These contractor requirements are simple and straightforward.

Analysis

No field comments adverse to the Manual were received. One field organization (Lawrence Livermore National Laboratory) suggested that the Department should eliminate the Board altogether. As this is beyond the scope of this directives review, this comment is not addressed.

Key analysis points are as follows:

- The Manual requirements are necessary to implement Congressional requirements.
- The Manual was established in 1992 and has been reviewed and approved 7 times in the last 10 years, with all the incumbent field and headquarters concurrences for each issuance.
- The Manual is not overly broad, but rather provides for consistent and efficient implementation of requirements placed on DOE by legislation.
- The CRD is streamlined and straightforward.
- No substantive field comments were received during this review.

Summary Recommendations

The Manual DOE M 140.1-1B, Interface with the Defense Nuclear Facilities Safety Board, was evaluated as part of the Performance-Based Contracts DOE Order Review. The Manual is necessary in its current form, as it implements requirements from legislation in a consistent and efficient manner. The Manual cannot be deleted unless the legislation is changed. The Manual is not overly broad. No changes to the Manual are needed at this time. Biennial review within the directives system should be continued in accordance with established directives procedures.

Minority Views

(No minority views)

Originating Office Comments

The Office of Departmental Representative to the Defense Nuclear Facilities Safety Board concurs with the above analysis of DOE M 140.1-1B.