

Review Team Report Performance Based Contract Review:

Directive Number and Title: DOE Order 225.1A, *Accident Investigations* and DOE Guide 225.1A, *Implementation Guide for Use with DOE Order 225.1A, Accident Investigations*

Originating Office: Office of Environment, Safety and Health

Review Team Members: Charles Billups (SC-80); Bruce Breslau (EH-21) David Compton (S-3.1); Dan Kelley (SPR); Tom Rollow (EH-21); Robert Waxman (GC-52); Dennis Vernon (EH-21)

Background

This order contains requirements for DOE organizations to report and investigate certain types of serious accidents that occur at Department operations and sites. This order also establishes the role and responsibilities of the various DOE elements, as well as, the investigative processes, protocols and reporting requirements for the DOE Accident Investigation Board. This order is implemented through a Guide, and not through a Manual. The Guide contains no contractor requirements document, and as such has no additional prescriptive requirements.

A revision to this order was drafted in early 2000 to reflect the establishment of the new National Nuclear Security Administration (NNSA)^{*}. All comments generated, as a result of this proposed revision were satisfactorily resolved under the Directives System using REVCOM. This revision assigned the responsibility for appointing a Type A Accident Investigation Board for NNSA elements to the Administrator for NNSA. Currently, only the Secretary or the Assistant Secretary for Environment, Safety and Health may appoint a Type A Accident Investigation Board.

The draft revision of this order does not address the role and responsibilities of the Office of Independent Oversight and Performance Assurance (OA) relative to the DOE Accident Investigation Program. The OA currently has an order (DOE O 470.2B, *Security; Emergency Management; and Environment, Safety, and Health Independent Oversight and Performance Assurance Program*) out for review and comment on REVCOM. It is anticipated that the OA will assume the responsibility for conducting follow-up appraisals to verify and validate line management's corrective actions for Type A accident investigations. Currently, this follow-up responsibility resides with the Office of Environment, Safety and Health. When the OA's role has been firmly established by publication of DOE O 470.2B, this role will be reflected in DOE O 225.1A and forwarded to the Field Management Council for review and comment.

^{*} The NNSA was created by Public Law 106-65, and was implemented by the Secretary's memorandum dated March 1, 2000

The DOE National Laboratories Improvement Council (NLIC) submitted a number of generic comments to the Performance Based Contract Review Teams. One comment is relevant and applicable to this order. Specifically, the comment is:

“With DOE, we must work to eliminate unclear roles and responsibilities that have caused redundant and low value management oversight and reviews and increased operational costs.”

Overview of Requirements

This order prescribes programmatic requirements for DOE Headquarters and DOE field elements (described above). The scope of the Contractor Requirements Document (CRD) can be characterized as a support role (i.e. initial response; accident scene preservation; provide general administrative assistance) to aid the DOE investigation and submit a corrective action plan to the final DOE investigation report. The Review Team considered all public comments, and no substantive comments were submitted to either modify or cancel the CRD.

Analysis

The CRD requirements are not prescriptive. Moreover, contractors are given sufficient latitude to carry out the functions and goals specified in the CRD. As an example, the contractors are required to “establish and maintain a readiness to respond to accidents, mitigate the consequences, assist in collecting and preserving evidence, and assist with the conduct of the investigation.” Additionally, contractors are required to “prepare, implement, and track to completion approved corrective action plans.” This level of effort needs to be continued to support DOE Accident Investigation Boards’ investigative responsibilities, and corrective actions are needed to address the casual factors of the accidents in order to prevent recurrence.

Consistent with the aforementioned generic NLIC comment and to accurately reflect DOE organizational roles and responsibilities, the order, which governs the DOE Accident Investigation Program, needs to be updated. Specifically, the previous prepared revision to the order to reflect NNSA should be completed. Additional changes should reflect the new Under Secretary for Energy, Science and Environment, and the transfer of safety oversight from the Office of Environment, Safety and Health to the Office of Independent Oversight and Performance Assurance.*

Summary Recommendations

To preclude confusion, this order should be updated and disseminated across the DOE complex soon as possible to reflect current DOE organizational roles and responsibilities. Additionally, and as a matter of consistency, the Under Secretary Energy, Science and Environment (in lieu of the Assistant Secretary for Environment, Safety and Health) should be the Appointing Official for Type A Accident Investigation Boards for non-NNSA elements. In this fashion, Type A accident investigations at non-NNSA elements would be provided the same level of senior Department management attention as the

* See the Secretary’s memorandum of July 26, 2001 and the Deputy Secretary’s memorandum of August 23, 2001.

Administrator of NNSA provides to Type A accident investigations occurring at NNSA elements.

Minority Report

There are no substantive minority comments to report.

Originating Office Comments

The originating office agrees with the recommendation that the order needs to be updated expeditiously to reflect recent DOE organizational mission changes, subject to the following comment:

Retain the existing requirement for the Assistant Secretary for Environment, Safety and Health to be the Appointing Official for non-NNSA elements, rather than elevating this to the Under Secretary for Energy, Science and Environment.