

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

November 21, 2001

TO: J. Kent Fortenberry, Technical Director
FROM: Paul F. Gubanc, Oak Ridge Site Representative
SUBJ: Activity Report for Week Ending November 23, 2001

The site office will be closed Thursday and Friday for the Thanksgiving holiday.

A. DOE Oak Ridge Operations - Environmental Management (DOE-ORO/EM): On Monday, October 15, the Board issued a letter to DOE with a 45-day reporting requirement concerning the implementation of authorization basis (AB) and integrated safety management (ISM) by both DOE/ORO-EM and its prime contractor, Bechtel Jacobs Company (BJC). The Board letter identified four specific elements to be addressed by the report. This week, I attempted to ascertain the prospects for DOE's response which is due November 29, 2001:

1. On November 19, DOE-HQ's Office of Science (SC, the Lead Program Secretarial Officer for DOE-ORO), formally asked for the services of an NNSA AB expert to lead a review team starting the week of December 3 and to deliver a report by January 11, 2002. The tasking specifically includes the first (AB adequacy) and fourth (flowdown of AB responsibilities) elements of the Board reporting requirement. Obviously, the reporting requirement will not be met and DOE-HQ seems content to accept that assuring the safety of on-going operations is something they can take three months to determine. (BJC is conducting its own AB review in advance of DOE although it too will only be about 1/3 complete by November 29th.)
2. The second element of the reporting requirement concerns the flowdown of safety-related DOE Order requirements into BJC's contract. BJC expects next week to complete assembling this list and the justification thereof, and provide it to DOE-ORO line management for their action. DOE-ORO has not yet defined what their review of BJC's product will entail, who will conduct the review, or when it will be completed.
3. The third element of the reporting requirement concerns the effectiveness of ISM at ORO and BJC. On November 1, the ORO Manager revoked the status of ISM implementation for both ORO and BJC. Also on November 1, ORO directed the suspension of fissile material handling at ETTP. However, other than this specific action, neither ORO nor BJC have developed a rationale for why continued operations is considered acceptable and the compensatory measures which support this rationale.
4. The fourth element of the reporting requirement includes determining whether DOE-ORO has the technical expertise to administer its AB responsibilities. On October 18 and 23, the DOE Assistant Secretary for EM retracted all delegations of EM authorities from DOE-ORO. On November 13, DOE-ORO formally requested reinstatement of these EM delegations with the exception of approving AB documents for category 2 & 3 nuclear facilities. Absent the technical capability review commissioned in item 1. above, it is not clear what basis DOE-EM would have to reinstate these delegations.

In summary, DOE has made insufficient progress to provide a substantive response to the Board's reporting requirement. While DOE's actions to halt certain work may have improved safety, the fundamental problems which lead to this condition remain unexplored. (1-C)

cc: Board Members