Department of Energy
Washington, DC 20585

December 3, 2003

MEMORANDUM TO: DISTRIBUTION

FROM: RICHARD L. BLACK, DIRECTOR
OFFICE OF NUCLEAR FACILITY SAFETY POLICY

SUBJECT: Request for Technical Interpretation Regarding Department of Energy Reviews and Approvals of Safety Programs

An interpretation is being requested regarding Department of Energy (DOE) review and approval functions required by selected DOE nuclear safety management Orders.

TECHNICAL INTERPRETATION 2003-01

ISSUE:

Several DOE nuclear safety management Orders contain a requirement for DOE to review and approve the underlying scope, methods and approaches to implement the Order requirements. Does this require DOE to review and approve all contractor changes to these implementation strategies regardless of significance?

BACKGROUND:

The selected DOE nuclear safety management Orders contain the following implementation requirements and DOE review and approval functions:

DOE O 5480.20A, *Personnel Selection, Qualification, and Training Requirements for DOE Nuclear Facilities*:

"7. RESPONSIBILITIES:

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c. Operations Office Manager/Field Manager for NNSA Operations or designee shall:

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(3) Review and approve each Training Implementation Matrix for nuclear facilities;"

"8. IMPLEMENTATION:

a. A Training Implementation Matrix shall be required and must be approved by the cognizant Operations Office for all new DOE reactor and non-reactor nuclear facilities prior to operations. The operating contractor shall meet the requirement of this Order to the extent possible prior to operation. The matrix shall be based on the status of existing compliance and shall include the time frame for incremental implementation and full implementation of the requirements that are not being met at the time the facility begins to operate.

b. Contractors with an approved Training Implementation Matrix previously submitted in accordance with the 2-20-91 issuance of this Order shall be required to submit (as necessary) either an addendum or page changes to the Training Implementation Matrix to reflect the changes made as a result of the review of this Order. Changes shall be submitted to the cognizant Operations Office for approval within 90 days from the issue date of this Order."

DOE O 433.1, *Maintenance Management Program for DOE Nuclear Facilities*:

"4. REQUIREMENTS:

a. In addition to the maintenance program requirements of DOE O 430.1A, a nuclear facility maintenance management program must contain a DOE-approved Maintenance Implementation Plan (MIP) that addresses the following elements using a graded approach:

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d. The MIP [Maintenance Implementation Plan] should be reviewed every 2 years and necessary changes submitted to DOE for approval."

DOE O 5480.19, Chg. 2, *Conduct of Operations Requirements for DOE Facilities*:

"5. REQUIREMENTS:

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c. Conformance with the requirements of this Order shall be documented. However, it is not necessary to develop a separate manual or plan. As a minimum, a document (e.g., a matrix) shall be prepared in coordination with the Head of the Field Element and the cognizant Program Secretarial Officer(s) that:

(1) Indicates whether a specific guideline applies to a facility;
(2) Indicates where and how each of the guidelines (Attachment 1) of this Order are applied within the field element's and contractor's existing policies and procedures; and

(3) Identifies any deviations or exemptions from the guidelines.

This document shall, as a minimum, be approved by the Head of the Field Element."

In light of these requirements, the question presented is whether DOE must review and approve all changes or revisions to the plans, including minor edits, that are proposed by contractors to implement the Order requirements.

POSITION DISCUSSION:

It is clear that these Orders for training, maintenance and conduct of operations programs require DOE to review and approve the scope, methodology and approaches that contractors establish to implement the Order requirements. But these Orders also recognize that implementation strategies are fluid as program needs change to fit new or emerging work environments. Contractors continuously revise implementation plans for changes ranging from editorial corrections, to significant changes in program plans or missions.

DOE did not intend that minor, insignificant changes to implementation plans or program documents be reviewed and approved by DOE. Changes may be made to correct spelling, punctuation, consistency within the documents, or other editorial items without explanation or DOE approval. Changes to implementation or program documents may also be made without DOE approval provided they do not (1) affect the applicability of the Order requirements -- including exemptions to or deviations from the requirements, (2) degrade any of the safety commitments in the plan/program, or (3) have a negative affect on the safety basis, a margin of safety, design or safety functions, or a probability of an accident or malfunction of equipment.[1] The aforementioned changes must be submitted to DOE for informational purposes when they are made and reflected in the periodic updates of the plans/programs as required by the Order (see DOE O 433.1, Section 4.a (d)) or as agreed to with DOE.

[1] DOE G 424.1-1, *Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements,* provides guidance applicable to consideration of changes to programs and procedures that could affect the safety of nuclear facilities. It also provides guidance on screening of items for consideration by the Unreviewed Safety Question (USQ) process, and also for "categorical exclusions" from the USQ process. Justifications for screening and categorical exclusions should be documented and approved by DOE.

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