



Department of Energy

Washington, DC 20585

January 15, 2002

MEMORANDUM FOR DISTRIBUTION

FROM: JESSIE HILL ROBERSON
ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT (EM)

SUBJECT: REVIEW OF THE APPLICATION OF 10CFR830,
SUBPART B, NUCLEAR SAFETY RULE

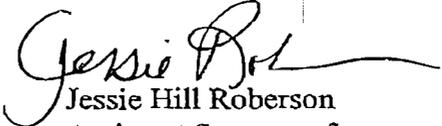
It appears the application of the 10CFR830, SUBPART B, Nuclear Safety Rule has not been adequately evaluated and the commitment for EM facilities is in jeopardy. There is a lack of an accepted interpretation of the 10CFR830, that allows appropriate application of tasks/standards to achieve closure without jeopardizing the health and safety, of the public, workers, or the environment. DOE's issuance of the 10CFR830 has essentially adopted a paradigm of safety regulation patterned after that used by the Nuclear Regulatory Commission (NRC) for licensing nuclear power reactors. Furthermore, whereas the NRC has unique and well defined Rules for each class of hazard licensed by the agency, DOE has elected to use one Rule to cover a widely diverse set of nuclear and radiological hazards and facilities. This has resulted in a situation where each DOE contractor has to develop a tailored or graded approach for each situation, which in turn requires review, modification, and concurrence by the DOE field office. Similar situations at different sites have the potential to have inconsistent solutions, costs and schedules. This may result in excessive Department expense and delay in closure.

I am initiating an effort which; 1) defines several different 10CFR830 compliance models, 2) lists candidate EM facilities for each of these models, 3) estimates cost and schedule savings, and 4) identifies the specific DOE-EM actions necessary to implement each model.



I have asked Paul Gubanc to develop, organize and complete this effort. He will be drawing heavily upon the experience of field personnel to complete this review over the next few months. I would like you to give him your full support and involvement to accomplish this very important assignment. Initially, I have asked him to focus on the Oak Ridge, Savannah River, Richland, and Office of River Protection facilities.

Any questions should be directed to Paul Golan at (202) 586-7709.


Jessie Hill Roberson
Assistant Secretary for
Environmental Management

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