



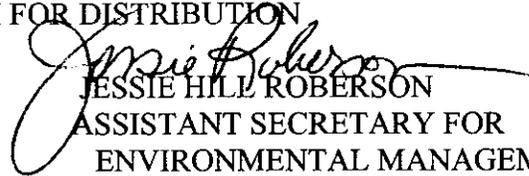
Department of Energy

Washington, DC 20585

November 27, 2002

MEMORANDUM FOR DISTRIBUTION

FROM :


JESSIE HILL ROBERSON
ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT

SUBJECT: Schedule Concerns Related to 10 CFR 830, Subpart B
Implementation at Environmental Management
Nuclear Facilities

The purpose of this memorandum is to identify concerns relative to performance against the compliance plans with the subject Rule by April 2003. On May 15, 2002, Field Managers provided me with their schedules for compliance and implementation of the subject Rule. Based on the most current status information provided by your staff as of September 30, 2002, an evaluation was performed to determine Environmental Management's (EM) Rule compliance progress. The compilation and detailed summary of the data are attached and also available at the Safety Bases Web Site (<http://apps.em.doe.gov/safetybases/>). This status update is extremely important since the April 2003, deadline is fast approaching. My observations and specific actions are predicated on the progress or the lack thereof from the milestone commitments made by the Field Managers on May 15, 2002.

- EM contractors were or are engaged in preparation of 111 rule-compliant safety bases (SBs). This number does not include packaging and transportation safety basis documents. Out of this total:
 - 32 SBs (29%) are approved and implemented;
 - 7 SBs (6%) are approved with implementation in progress;
 - 24 SBs (22%) have been submitted to DOE for review and approval. [NOTE: the field review and approval process is expected to be completed in three months per my memorandum of May 28, 2002]. Some sites are experiencing difficulty in meeting this expectation. For example, at the Idaho Operations Office there are instances in which SBs sent by contractors more than two years ago are still in approval process;
 - 20 SBs (18%) are scheduled for submittal to DOE for approval by December 31, 2002. 11 of these SBs are to be submitted by the Oak Ridge contractors; and
 - 28 SBs (25%) are planned for submittal to DOE for approval between January 1, 2003, and April 10, 2003. [12 SBs are to be submitted by Richland contractors, one by River Protection contractors (Tank Farms), and 11 by Oak Ridge contractors].



The rate of progress on the contractor SBs submittals during the past several months has been unacceptably slow and, consequently, there is still a high percentage of SBs that have not been submitted to DOE for review and approval. Also, significant delays are noted in approximately 25% of all scheduled SB submittals, ranging anywhere from one to eight months. The sum of all delays is approximately 80 months from the 28 SBs (ranging from 1-4 months) reported being late at seven different sites. This is a corporate concern in that there might be a significant resource deficit across the complex to be able to prepare and review the safety basis documents on time. Oak Ridge, in particular, is experiencing continual delays affecting 20 of their SBs. The sum of all delays is approximately 63 months, with some ranging from 4-9 months delay. The delays from the other sites (Nevada, Oakland, Oak Ridge, Rocky Flats, Savannah River, and Richland) are of concern as well.

In light of apparent contractor deficiencies in meeting schedule commitments and to reassure the importance of establishing and maintaining rule compliant SBs in a timely and quality manner, I am requesting the following actions:

1. All EM Field Managers (including AMEMs) that reported delays: Within 15 days of the issuance of this memorandum, present detailed reasons for the delays in contractor submittal of SBs; explain specific actions taken to correct deficiencies in contractor performance in meeting the committed schedules; and explain whether or not sufficient resources are available to be able to review and approve SBs, consistent with the expectations in my May 28, 2002, memorandum, in spite of the further compressed schedules.
2. ORO AMEM: In addition to action (1) above, within 15 days of the issuance of this memorandum, explain specific actions being taken to improve DOE ORO management and oversight of the contractor performance, including DOE ORO participation in review of the SBs currently being prepared. I expect biweekly updates on the progress from now on.
3. ID Manager: Include in your response to action (1) above, an explanation of specific reasons for DOE taking more than six months to review and approve SBs. Discuss potential technical issues, resources, and/or poor quality of SBs submitted by contractors, as appropriate.

In spite of the schedule delays, I am still expecting that there will be no new exemption requests beyond what was identified in your May 15, 2002 compliance plans. All exemption requests must entail technical justifications for either a continued operation or other recommendations to ensure adequate safety is maintained for the public, workers and the environment.

If you have any questions, please contact Ms. Sandra Johnson, Director, EM-5, at (202) 586-0651 or Mr. Dae Chung, Senior Technical Advisor, EM-5, at (301) 903-3968.

Attachment

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