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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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May 29, 2003

Mr. Roy J. Schepens
Manager, Office of River Protection
U.S. Department of Energy
P.O. Box 450
Richland, Washington 99352

Dear Mr. Schepens:

The Defense Nuclear Facilities Safety Board (Board) has been reviewing an Office of River Protection (ORP) proposal whereby changes to the Waste Treatment Plant (WTP) Safety Requirements Document (SRD) implementing codes and standards could be made without prior Department of Energy (DOE) approval. The Board's review has focused on the safety implications of delegating these authorities to the contractor and does not believe that this delegation of authority is appropriate.

The Board's review of the SRD recognizes that it represents a DOE approved, tailored set of Environmental, Safety, Quality, and Health requirements referenced in the WTP contract as part of the List B required by DOE Acquisition Regulation (DEAR) 970.5204-78, *Laws, Regulations and DOE Directives*. DOE M 411.1-1B, *Safety Management Functions, Responsibilities, and Authorities Manual,* states that the Field Element Manager, when delegated these authorities, is responsible for directing the contractor to propose site- and facility-specific standards tailored to the work and hazards. The Field Element Manager is also responsible for reviewing and approving the specific requirements to be included in contracts, authorization agreements, safety documents, and authorization bases. The proposal would grant the contractor authority to make changes or limited case by case deviations to the SRD implementing codes and standards without prior DOE approval.

This same proposal would also allow the contractor to change nuclear safety controls during construction and cold testing without prior DOE approval as long as they did not involve major reorganizations of the SRD or Preliminary Safety Analysis Report (PSAR) or broadly affect them. However, DOE M 411.1-1B states that the Field Element Manager, when delegated the authority, is responsible for approving the authorization basis and safety basis documentation. The Board recognizes that ORP would reserve the right to rescind changes and be provided annual updates of the PSAR. However, early DOE involvement in the safety controls selection

and implementation is beneficial in managing the design process, particularly for a close-coupled project. The Board strongly encourages ORP to retain its current practice regarding the selection and implementation of safety controls.

The Board has also been observing ORP and contractor efforts to transition to a DOE-STD-3009, *Preparation Guide for U.S. Department of Energy Nonreactor Nuclear Facility Documented Safety Analyses*, approach to accident analysis and classification of safety controls, revise defense-in-depth and facility worker safety strategies, and reevaluate requirements. While the Board supports DOE's efforts to optimize the WTP design, it is the Board's expectation that the revised control set will still maintain a heavy reliance on engineered and preventive controls and limit the use of mitigative and less reliable administrative controls to appropriate applications. As stated in DOE-STD-3009, "the evaluation guideline is not to be treated as a design acceptance criterion, nor as justification for nullifying the general design criteria relative to defense-in-depth safety measures."

The Board appreciates that these proposals have not yet been approved, and expects ORP to make programmatic decisions that do not compromise nuclear safety. Once ORP has completed its review, the Board requests a briefing on the proposals and how ORP will oversee this complex project to ensure a robust design and authorization basis.

Sincerely,

John T. Conway
Chairman

c: The Honorable Jessie Hill Roberson
Mr. Mark B. Whitaker, Jr.