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MEMORANDUM FOR: INGRID KOLB
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THROUGH: KEVIN T. HAGERTY
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FROM: GLENN S. PODONSKY
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SUBJECT: Notice of Intent to Revise Department of Energy Order 226.1A,
Implementotion of Department of Energy Oversight Policy, dated
July 31, 2007

PURPOSE: This memorandum provides justification for revision of Department of Energy (DOE) Order (O) 226.1A, *Implementation of Department of Energy Oversight Policy*, dated July 31, 2007. The revision of this Order is part of the Department's Safety Reform described in Deputy Secretary Daniel B. Poneman's March 16, 2010, memorandum.

JUSTIFICATION:

Background: DOE O 226.1A provides detailed requirements for the implementation of the Department's Oversight Policy (DOE Policy (P) 226.1A). The Order establishes a Department-wide oversight process to protect the public, workers, environment, and national security assets through continuous improvement. It provides these expectations through a set of detailed requirements for the implementation of the oversight policy and putting into place rigorous assurance systems. The requirements provide for the development and maintenance of contractor assurance systems that are comprehensive in identifying, documenting, and tracking resolution of issues and allowing easy access to information by line management. This Order, initially issued in 2005, has been instrumental in putting into place a consistent comprehensive oversight model across the Department which uses lessons learned from the Columbia accident and Davis-Besse near-accident, as well as meeting commitments made in response to the Defense Nuclear Facilities Safety Board Recommendation 2004-1, *Oversight of Complex, High-Hazard Nuclear Operations*. The revision of DOE O 226.1A is intended to take advantage of the progress within the Department and lessons learned in use of the Order since its establishment.

Summary of Development Process: The process to accomplish these revisions will meet the requirements described in the following: (1) DOE O 251.1C, *Departmental Directives Program*,



January 15, 2009; (2) *Project Management Plan, DOE 2010 Safety and Security Reform, Rev. 2*, June 2010; and (3) the *Requirements Framework and Systems Approach, Systems Analysis and Requirements Framework Change Plan, Worker Safety and Health*. The development effort will build upon the directives review efforts on this Order during the 2008-2009 timeframe.

During its face-to-face meeting in April 2010, the Worker Health and Safety Reform Working Group established a subgroup comprised of senior managers and staff representing major DOE Program Offices and contractors to analyze the elements of DOE P 226.1A, DOE O 226.1A, and to streamline the Order by focusing on essential requirements. The subgroup also analyzed the content of the Order by separating requirements from implementation (what versus how), removing elements that were incorporated into other directives subsequent to issuance of the Order, and taking advantage of DOE and contractor experiences in meeting the requirements of the Order.

Major Changes: Based on the analysis performed by the subgroup and consideration of the end-state vision for safety defined in Deputy Secretary Poneman's memorandum, the oversight order will be revised:

- To provide a clearer focus on development, operation, and maintenance of effective assurance systems that provide reasonable assurance that mission objectives are being met efficiently without sacrificing the protection of the workers, public, environment, and national security assets.
- To remove overlap of expectations with related rules and directives, such as title 48, Code of Federal Regulations, part 970 (48 C.F.R. 970), *DOE Management and Operating Contracts*; DOE P 450.4, *Safety Management System Policy*; DOE O 470.2B, *Independent Oversight and Performance Assurance Program*; and the Corrective Action Management Program requirements contained in DOE O 414.1C, *Quality Assurance*.

The revised Order will specifically require DOE line management to maintain sufficient knowledge of contractor activities and to evaluate programs and management systems, including site assurance systems for effective performance through a formal, documented process. The revised Order will also require DOE line management to perform self-assessments, internal, external, and independent assessments. It will require DOE line management to have an issue management process that prioritizes issues based on risk and, for appropriate level of priorities, ensures analysis of causal factors and development and implementation of rigorous corrective actions. The Responsibility section of the revised Order will identify all organizational responsibilities that are essential to a comprehensive oversight approach, including the Office of Health, Safety and Security responsibilities for performing independent oversight in accordance with DOE O 470.2B. The Contractor Requirements Document (CRD) of the revised Order will be a streamlined version of the CRD of the original Order and maintain the responsibility of the contractor for all subcontractors work. The revised Order will also require a Contractor Assurance System and spells out the minimum

requirements for the system, including verification methods to ensure effectiveness, rigorous self-assessments, and structured issue management systems.

The revision will preserve the essential requirements of the original Order in a more compact, effective, and clear fashion. A crosswalk of the requirements contained in DOE O 226.1A is being developed to provide a clear picture of what changes are being made and the basis for these changes.

Applicability: This is a revision of an existing Order and no changes in applicability are proposed. This Order is applicable to DOE contractors that operate under contracts governed by 48 C.F.R. 970.5204-2, *Laws, Regulations, and DOE Directives*; however, it should also apply to contracts governed by 48 C.F.R. 952.204-2, *Security Requirements*; 48 C.F.R. 952.204-70, *Classification/Declassification*; and/or 48 C.F.R. 952.223-71, *Integration of Environment, Safety, and Health into Work Planning and Execution*. It applies to such operational aspects as environment, safety and health; safeguards and security; cyber security; and emergency management. It does not apply to the National Nuclear Security Administration's Naval Reactors Program, the Inspector General, or the Bonneville Power Administration.

Recommended Development Schedule: The proposed development schedule is provided below. A draft of this Order has been developed and will undergo additional reviews prior to submittal for Department-wide review in accordance with DOE Order 251.1C.

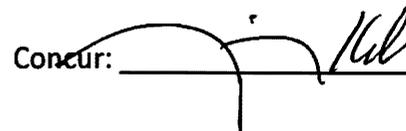
IMPACT: No conflicts with other directives are identified.

No impacts to departmental functions or operations are anticipated. However, the clarification and streamlining of the Department's oversight requirements should make it easier to understand the Department's expectations leading to a clear, effective, and efficient oversight process.

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OPI: Patricia R. Worthington, HS-10, 3-5926

DECISION:

Concur:  Nonconcur: _____ Date: 9-23-10

Timeline: Schedule for Directives Development	<u>Standard</u> (Days)	<u>Proposed</u> (Days)
Draft Development (Writer)	60	60
Process/Post (MA-90)	5	5
Review and Comment (Interested Parties)	45	45
Comment Resolution (Writer)	30	45
Process/Post (MA-90)	5	5
Concurrence (Interested Parties)	15	15
Preparation of Final Draft (Writer)	5	15
Total	165	190

write requests additional time for
 comment resolution and final draft preparation
