



The Deputy Secretary of Energy
Washington, DC 20585

December 27, 2005

The Honorable A. J. Eggenberger
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW, Suite 700
Washington, DC 20004

Dear Mr. Chairman:

I am sending you my memorandum setting forth the Department's process criteria and attributes for delegations of safety responsibilities. This deliverable demonstrates satisfactory completion of Commitment number 9A in the Department's 2004-1 Implementation Plan to improve oversight of nuclear operations.

If you have comments or feedback, please contact me, or ask your staff to contact the 2004-1 Project Team Leader, Mr. Edward Blackwood, at (301) 903-0124.

Sincerely,

A handwritten signature in black ink that reads "Clay Sell".

Clay Sell

Enclosure

cc: Mark B. Whitaker, Jr., DR-1





The Deputy Secretary of Energy
Washington, DC 20585

December 27, 2005

MEMORANDUM FOR LINTON F. BROOKS
UNDER SECRETARY FOR NUCLEAR SECURITY

DAVID K. GARMAN
UNDER SECRETARY FOR ENERGY, SCIENCE
AND ENVIRONMENT

JOHN SPITALERI SHAW
ASSISTANT SECRETARY FOR ENVIRONMENT,
SAFETY AND HEALTH

GLENN S. PODONSKY
DIRECTOR, OFFICE OF SECURITY AND
SAFETY PERFORMANCE ASSURANCE

FROM:

CLAY SELL

A handwritten signature in black ink that reads "Clay Sell".

SUBJECT:

Delegations of Safety Authorities

Delegations of safety authorities require clear criteria and a rigorous process to ensure that they are properly implemented. The attachment provides the Department's criteria and attributes to establish and maintain a uniform process for delegations of nuclear facility safety authorities. This includes the use of periodic self-assessments for assignments of safety responsibilities and authorities to Headquarters personnel. These expectations apply to you and the Cognizant Secretarial Officers (CSOs) with safety responsibilities related to nuclear facilities.

On July 21, 2004, Secretary Abraham restricted any new delegations of safety authorities for field personnel unless approved by the Secretary or the Deputy Secretary. To lift these restrictions I am directing you to establish the necessary procedures to implement the process criteria and attributes described in the attachment and report to me that you have applied the process to all existing field delegations. I request that you provide this report by no later than January 31, 2006. Please include a summary of existing safety delegations along with any compensatory measures that you have established.

To institutionalize this process within the Department's directives, I direct the Assistant Secretary for Environment, Safety and Health to include the description



of the process criteria and attributes in the next revision to the Department's Safety Management Functions, Responsibilities, and Authorities Manual (DOE M 411.1-1C).

Attachment

cc: James A. Rispoli, EM-1
Raymond Orbach, SC-1
R. Shane Johnson, NE-1
Jerald Paul, NA-2
Tom D'Agostino, NA-10

Department of Energy (DOE) Process for Delegating Safety Authorities

I. Delegating Authorities to Field Personnel for Fulfilling Assigned Safety Responsibilities

For safety responsibilities related to nuclear facilities, the Under Secretary for Nuclear Security, the Under Secretary for Energy, Science, and Environment, and Cognizant Secretarial Officers (CSOs) may delegate safety authority to subordinate field personnel to implement assigned safety responsibilities. Such delegations must use the process criteria and process attributes described below.

PROCESS CRITERIA:

- (1) Delegations shall only be made where not prohibited by statute, DOE safety directives, or DOE safety rules.
- (2) Delegations shall only be made to individuals who possess the necessary individual qualifications, experience, and expertise.
 - (a) Approval of documented safety analyses, technical safety requirements, and unreviewed safety question procedures required pursuant to 10 CFR 830, Subpart B, *Safety Basis Requirements* shall not be further delegated below the most senior level program officer or deputy at a field element office, unless concurrence is obtained from the applicable Central Technical Authority (CTA).
 - (b) Minimum expectations in terms of individual requirements for the most senior level program officer at a field element office and his/her deputy shall include (1) Senior Technical Safety Manager qualification consistent with the Federal Technical Capability Manual (DOE M 426.1-1A), and (2) successful completion of the one-week Nuclear Executive Leadership Training course.
- (3) Delegations shall only be made where the candidate's organization possesses or has access to (for example, via service centers) sufficient staff with the necessary qualifications, experience, and expertise to support the candidate for the authorities being delegated.
- (4) Delegations shall only be made where the candidate's organization has the proper framework of processes and procedures, as well as adequate resources and funding to implement the delegated authorities.
- (5) In those rare cases in which delegations must be made prior to the candidate fully satisfying the established criteria above, compensatory measures shall be established.

Note that there are field elements supporting more than one program office at a single site. To be consistent with line management responsibility for safety, the Assistant Manager, Environmental Management (AMEM), at the Idaho and Oak

Ridge field offices may be delegated safety authorities. These delegations must be made with the knowledge of the lead program field element manager.

PROCESS ATTRIBUTES:

- (1) Delegating officials shall establish a documented process or procedure to ensure that delegations are made carefully and accurately, consistent with the process criteria and attributes defined here.
- (2) Delegating officials shall establish their minimum expectations in terms of individual and organizational capability and capacity for the various delegations.
- (3) Delegating officials shall document their review of these criteria for every delegation made.
- (4) Delegations shall be only made to individuals; not to positions. Delegations shall clearly identify the extent to which further delegations are allowed, consistent with these criteria.
- (5) Delegation processes should consider the judgment of at least two senior managers.
- (6) Compensatory measures related to this process shall receive concurrence from the applicable CTA prior to delegation of authority.
- (7) Delegations shall be reviewed periodically (at least once every two years) to ensure that individuals and organizations satisfy these criteria and attributes.
- (8) Periodic reviews shall be documented with the same criteria and rigor as the original delegations. Using the results of the delegation review, the reviewing officials shall recommend to the applicable delegating official whether to confirm, revise, or rescind delegations or institute compensatory measures and/or corrective actions, as needed.
- (9) The CTA support staff shall periodically review the delegation process to evaluate whether it is adequate and functioning properly and identify any concerns to the CTA, who will notify the Under Secretary and CSO, recommending action as appropriate.

II. Performing Periodic Self-Assessments on Assignment of Responsibilities or Delegation of Authorities to Headquarters Personnel

The DOE Under Secretary or CSO with safety responsibilities related to nuclear facilities must periodically review assigned safety responsibilities or delegated safety authorities and verify that the necessary capability and capacity to perform its responsibilities/authorities exists. Safety responsibilities are documented in the DOE Safety Management Functions, Responsibilities, and Authorities Manual (DOE M 411.1-1C, i.e. DOE FRAM), and corresponding Functions, Responsibilities, and Authorities documents. Unless otherwise prohibited, authority to take the necessary actions to fulfill the safety functions documented in the DOE FRAM may be delegated to either subordinate field or Headquarters personnel.

PROCESS CRITERIA:

- (1) A comprehensive self-assessment shall be performed periodically (at intervals no greater than two years) to verify that individuals and their organizations maintain the necessary capability and capacity to carry out assigned safety responsibilities or delegated safety authorities.
- (2) Upon conducting the self-assessments based on the criteria listed in 3) below, if the necessary capability and/or capacity to carry out assigned safety responsibilities or delegated safety authorities are found lacking, compensatory measures, corrective actions, or rescissions shall be instituted as necessary.
- (3) The following are the criteria by which individual and/or organizational capability and/or capacity shall be measured:
 - (a) Individuals and their organizations to whom safety responsibilities are assigned possess the necessary qualifications, experience, and expertise to carry out these responsibilities;
 - (b) Organizations with safety responsibilities have the proper framework of processes and procedures to implement the assigned responsibilities; and,
 - (c) Organizations with safety responsibilities have adequate resources, including sufficient staff and funding, to carry out assigned responsibilities.

PROCESS ATTRIBUTES:

- (1) CSOs shall establish their minimum expectations in terms of individual and organizational capability and capacity for the assigned safety responsibilities.
- (2) Delegation processes shall also address delegations of authority to subordinate Headquarters personnel.
- (3) CSOs shall establish a documented process or procedure to ensure that self-assessments are consistent with the process criteria and attributes defined here.
- (4) The self-assessment shall identify all assigned safety responsibilities.
- (5) The self-assessment shall be documented and shall include documentation of the review of all criteria above in Section II, Process Criteria, for each assigned safety responsibility.
- (6) Self-assessments shall be performed by qualified, experienced personnel.
- (7) Compensatory measures, corrective actions, or rescissions shall be defined for any deficiencies identified by the self-assessment and must be approved by the Under Secretary or CSO, as applicable.
- (8) The CTA support staff shall independently review the self-assessment for associated offices and identify any concerns to the CTA, who will notify the Under Secretary and CSO, recommending action as appropriate.