

December 20, 1999

Mr. John Bradburne
[]
Fluor Daniel Fernald
P.O. Box 538704
Cincinnati, OH 45253-8704

Subject: Fernald Enforcement Program Review

Dear Mr. Bradburne:

During the period November 3-5, 1999, the Office of Enforcement and Investigation (EH-Enforcement) conducted a review of Fluor Daniel Fernald (FDF) Price-Anderson Amendments Act (PAAA) program activities. This review included an evaluation of site processes to screen noncompliances for applicability under the PAAA, for reporting and tracking in the Noncompliance Tracking System (NTS) and internal tracking systems, and for correcting deficiencies in a timely manner. As part of this review, EH-Enforcement also selected several events and/or noncompliances identified in NTS, Occurrence Reporting and Processing System (ORPS), and FDF assessments to evaluate the identification and screening steps.

Our review noted certain positive attributes of your PAAA program, namely (1) the breadth of sources being reviewed for potential PAAA noncompliances; (2) the process of using subject matter experts to screen for quality assurance (QA) or radiological protection noncompliance; (3) preparation of an annual report on FDF PAAA performance; (4) use of a data base for tracking PAAA noncompliances; (5) use of the QA Manager as the PAAA Coordinator; and (6) the comprehensive system that is being applied for the conduct of radiological protection audits to meet 10 CFR 835 triennial audit requirements.

However, our review found your PAAA noncompliance screening and reporting program to be deficient in several key areas. Specifically, we noted that your PAAA procedure has language that implies a narrow approach to PAAA. For example, your procedures require that an issue should involve movement of radiological material to be considered a noncompliance or have the potential to cause grave harm or death before the issue is considered NTS reportable. In addition, the procedure lacked detail or guidance in the area of performing trending for potential repetitive or programmatic issues, and it included a flow chart that was not representative of the desired PAAA screening and reporting process.

On the other hand, our review noted recent improvement in FDF's performance in rolling-up and reporting various incidents as programmatic issues. However, additional improvement is needed in performing cause determinations for roll-up findings or for other more significant problems.

We note that DOE-Ohio (DOE-OH) & DOE-Fernald Environmental Management Project (DOE-FEMP) had recently conducted an assessment of your PAAA noncompliance identification, screening, and reporting process and had identified similar issues as summarized above. We also note that you have recently made commitments to DOE-FEMP to correct those deficiencies although such corrections had not yet been implemented at the time of the EH-Enforcement visit.

Failure to correct the above-noted deficiencies associated with the PAAA screening and reporting program may result in a reduction or loss of mitigation as described in the DOE Enforcement Policy (10 CFR 820 Appendix A) for any future FDF enforcement actions. Details of the EH-Enforcement review are provided in the enclosure. No reply to this letter is required. If you have any questions, please contact Tony Weadock of my staff at (303) 966-5975.

Sincerely,

R. Keith Christopher
Director
Office of Enforcement and Investigation

Enclosure

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ENCLOSURE

EH-ENFORCEMENT REVIEW OF THE FLUOR DANIEL FERNALD PRICE-ANDERSON AMENDMENTS ACT PROGRAM

I. Introduction

During the period November 3-5, 1999, the Office of Enforcement and Investigation (EH-Enforcement) performed a review of the program used by Fluor Daniel Fernald (FDF) to identify, report, and correct potential noncompliances with DOE Rule nuclear safety requirements. This review included an evaluation of site processes to screen noncompliances for applicability under the PAAA, for reporting and tracking in the Noncompliance Tracking System (NTS) and internal tracking systems, and for correcting in a timely manner. As part of this review, EH-Enforcement also selected several events and/or noncompliances identified in NTS, Occurrence Reporting and Processing System (ORPS), and FDF assessments to evaluate the identification and screening steps. The results of the review are summarized below.

II. PAAA Screening and Reporting Program

Program Administration

The FDF PAAA program is established in site procedure MS-1008, *Identifying, Reporting, and Tracking Price-Anderson Amendments Act Noncompliances*, dated June 14, 1999, Revision 4. The procedure establishes the positions of an FDF PAAA Coordinator, PAAA Facilitators, PAAA Functional Area Managers and a PAAA Oversight Team. The PAAA Coordinator has overall responsibility for the PAAA Program and chairs the PAAA Oversight Team. The PAAA Facilitators are subject matter experts in particular rules, perform applicability determinations, track/trend PAAA noncompliances, and maintain documentation of corrective action completion. The PAAA Functional Area Managers have ownership for a particular rule, maintain implementation plans for that rule, serve on the PAAA Oversight Team, and have management responsibility for PAAA compliance and reportability determinations related to their particular rule.

PAAA Facilitators review a broad set of information for potential PAAA noncompliance issues. Their review determines whether an issue is a PAAA noncompliance, and, if so, whether the issue has the potential for meeting NTS reporting thresholds. Potential NTS-reportable issues are sent to the PAAA Oversight Team for review, with any

recommendation for NTS-reportability by the Oversight Team forwarded to the Functional Area Manager for determination.

Our review noted multiple positive elements of the FDF PAAA program, namely:

- ◆ The breadth of sources being reviewed for potential PAAA noncompliances, as noted below.
- ◆ The process of using subject matter experts to screen for quality assurance or radiological protection noncompliance. This is in contrast to what has been seen by EH-Enforcement at certain other sites, for example, placing responsibility on all employees to raise PAAA issues, or relying on a single PAAA Coordinator to screen all issues.
- ◆ Preparation of an annual report on FDF PAAA performance. This allows a retrospective and comprehensive critique of performance in the PAAA compliance area, and affords management a perspective on such issues.
- ◆ Use of a PC-based database for tracking of all PAAA noncompliances, which affords comprehensive roll-up reviews and searches for repetitive problems, and effective tracking of issues.
- ◆ Using the QA Manager as the PAAA Coordinator to assure a high management level perspective and leadership for the PAAA program.
- ◆ An effective system to ensure that the 10 CFR 835 triennial audits review all required functional program elements.

Our review, however, identified several weaknesses in the FDF PAAA screening and reporting process. Specific deficiencies are described in the following sections.

PAAA Noncompliance Identification

PAAA Facilitators are reviewing an appropriately broad set of documents for potential PAAA implications. Documents reviewed include (1) nonconformance reports, (2) field observation reports, (3) assessment reports, (4) employee concerns issues, (5) radiological deficiency reports, (6) occurrence reports, and (7) emergency duty officer logs. However, it appears that FDF has been using a fairly high threshold for determining an item to be a PAAA noncompliance. Part of this stems from language in the PAAA procedure. Specifically, EH-Enforcement noted that the PAAA procedure has language that implies a narrow approach to PAAA, for example, requiring that an issue involve movement of radiological material for that issue to be considered a noncompliance.

A review of recent determinations, though, indicates that improvement in this area is occurring. EH-Enforcement review of several recently screened RDR and Nonconformance reports identified that appropriate determinations of PAAA applicability were being made.

PAAA Screening and Reporting

The EH-Enforcement review of Procedure MS-1008 identified that it did not provide detail or guidance in the area of performing trending for potential repetitive or programmatic issues, and included a flow chart that was not representative of the desired PAAA screening and reporting process. FDF, however, has recently demonstrated improvement related to the trending and roll-up of various similar events or conditions to address potential repetitive or programmatic problems for reporting into NTS. Improvement, though, is needed in the performance of cause determinations for such roll-up reports as discussed below.

Our review also found that the procedure had language that implied a higher threshold for NTS reporting than was intended by DOE. Namely, the procedure included language that a noncompliance had to not only meet DOE's NTS reporting criteria, but also had to have the potential to cause grave harm or death before the issue was considered NTS-reportable. DOE NTS reporting criteria include no such additional threshold.

For more significant events, such as those addressed in an ORPS report, FDF is performing a cause evaluation or determination. However, it does not appear that such cause evaluations are being consistently performed for other significant problems or for roll-up findings that do not involve an ORPS report. For example, no comprehensive root cause evaluation or cause determination was performed for a recently identified problem reported into the NTS involving a series of radiological control program implementation deficiencies. Such determinations are necessary as part of the quality improvement process in order to appropriately develop corrective actions to preclude recurrence.

III. DOE PAAA Assessment

EH-Enforcement noted that DOE-Ohio and DOE-Fernald Environmental Management Project (DOE-FEMP) had recently conducted an assessment of your PAAA noncompliance identification, screening, and reporting process. Their assessment was completed on October 15, 1999, and identified many of the above issues. On November 3, 1999, you sent a corrective action plan to DOE-FEMP on actions planned to address the FDF PAAA program deficiencies identified by DOE's assessment. Such corrections had not yet been implemented at the time of the EH-Enforcement visit.

IV. Conclusion

The above summarizes EH-Enforcement's review of the FDF PAAA program at the Fernald Environmental Management Project during the period of November 3-5, 1999. Deficiencies identified during the subject review should be addressed to receive mitigation consideration in any future enforcement deliberation and to ensure nuclear safety problems receive appropriate recognition and action. Any actions taken to address these deficiencies should be appropriately coordinated with responsible DOE Area and Program Office management.