



Department of Energy
Washington, DC 20585

MAR 01 2006

The Honorable A.J. Eggenberger
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW, Suite 700
Washington, DC 20004-2901

Dear Mr. Chairman:

I am forwarding you the enclosed Office of Environmental Management (EM) Standing Operating Policy and Procedure (SOPP) for delegation of safety authorities (SOPP PS-5.15). This SOPP and the enclosed recent evaluation of delegated safety authorities at EM sites demonstrates satisfactory completion of Commitment 9, Deliverable B, in the Department's 2004-1 Implementation Plan for *Oversight of Complex, High-Hazard Nuclear Operations*.

Deliverable B for this commitment calls for the following: "Report to the Secretary on review activities to evaluate implementation of the processes and criteria for delegating authorities to field personnel for fulfilling safety responsibilities, and to determine whether all existing delegations of authority to the DOE Field Offices have been and are being made using these new processes and criteria." EM recently performed this review per the criteria and attributes delineated in the Department's Deputy Secretary memorandum, subject: Delegations of Safety Authorities, dated December 27, 2005. The review included all sites under EM's cognizance and the EM program at the Idaho Operations Office (ID). The results of this review indicated that Field Managers at these sites have staff and resources with the necessary qualifications, experience, and education to support implementation of the safety authority delegations received at that site. However, we found that three sites were in need of compensatory measures. Specifically, the Field Managers at the Carlsbad Field Office, Ohio Field Office, and Idaho Operations Office are not fully Senior Technical Safety Manager (STSM) qualified. As a compensatory measure, a senior STSM qualified person at each site was identified, by name, and this person is required to concur on any safety decision or approval to be made by their respective Field Manager. In addition, each of these Field Managers is required to complete the STSM training qualification by January 2007 to be able to receive full authority for safety delegations in the future.

The EM SOPP (SOPP PS-5.15) formally captures the required criteria and attributes delineated in the Deputy Secretary's letter and institutionalizes the



process EM will use for future safety authority delegations and evaluations. EM SOPP PS-5.15 was approved by EM and concurred on by the Energy, Science and Environment Central Technical Authority.

If you have any comments or feedback, please call me at (202) 586-0738 or Mr. Dae Y. Chung, Acting Deputy Assistant Secretary for Integrated Safety Management and Operations Oversight, at (202) 586-5151.

Sincerely,

A handwritten signature in black ink, appearing to read 'Inés R. Triay', written over a faint, illegible background.

Dr. Inés R. Triay
Chief Operating Officer for
Environmental Management

Enclosures

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



Department of Energy

Washington, DC 20585


February 27, 2006

ES2006-002058

MEMORANDUM FOR CLAY SELL

DEPUTY SECRETARY

THROUGH:

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

FROM:

JAMES A. RISPOLI 
ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT

SUBJECT:

Evaluation of Delegations of Safety Authorities

The Office of Environmental Management (EM) has performed an evaluation of all existing safety authority delegations per the criteria and attributes delineated in your memorandum dated December 27, 2005, subject "Delegations of Safety Authorities." The evaluation included all sites under EM's cognizance and the EM program at the Idaho Operations Office (ID) to ensure that both the criteria and attributes were met, or appropriate compensatory measures with stipulated deadlines are in place. The results of this review indicate that Field Managers, at these sites, have staff and resources with the necessary qualifications, experience, and education to support implementation of the safety authority delegations received at that site. However, we found that three sites were in need of compensatory measures. Specifically, the Field Managers at the Carlsbad Field Office, Ohio Field Office, and Idaho Operations Office (ID) are not fully Senior Technical Safety Manager (STSM) qualified. As a compensatory measure, a senior STSM qualified person at each site was identified, by name, and this person is required to concur on any safety decision or approval to be made by their respective Field Manager. In addition, each Field Manager is required to complete the STSM training qualification by January 2007 to enable him/her to receive full authority for safety delegations in the future. Based on this evaluation, delegation memoranda, including the compensatory measures, were issued to the EM Field Managers giving them the "updated" delegations of authority until December 2006, with the exception of ID whose delegation is limited to 6 months due to safety performance issues. The Chief of Nuclear Safety, Office of Energy, Science and Environment (ESE), has concurred on the updated EM delegation memoranda and compensatory measures.

Finally, EM has developed a draft Standing Operating Policy and Procedure (SOPP) for the safety delegation process, which incorporates the expected criteria



and attributes from the December 27, 2005, memorandum. This draft procedure is expected to be issued by the end of February 2006, with Central Technical Authority-ESE concurrence. EM plans to include evaluation of delegations in its oversight assessment process, as well as through its delegation SOPP.

Attached is the general set of safety delegations given to the EM Field Managers, as well as the compensatory measures that are in place. Please note that not every safety authority is granted for every EM Field Manager.

If you have any further questions, please call me at (202) 586-7709 or Dr. Inés R. Triay, Chief Operating Officer, at (202) 586-0738.

Attachment

cc:

C. Lagdon, CNS-ESE

C. Anderson, EM-2

I. Triay, EM-3

D. Chung, EM-3.2

C. Broussard, EM-3.2

S. Johnson, NE-1

Safety Authorities reviewed for delegation to EM Field Managers against criteria and attributes in the Deputy Secretary memorandum dated December 27, 2005:

1. DOE O 425.1C:

4.a.(3).(a).: Startup authority for a new hazard category 3 nuclear facility.

4.a.(3).(c). and (d).: Startup authority for the restart of a hazard category 2 nuclear facility following extended shutdown or extensive modification.

4.a.(4).(b).: Approve Startup Notification Reports if you are the startup authority; otherwise make recommendation regarding approval.

2. DOE O 420.1B, 5.b.: Authority to review and approve contractor implementation of DOE O 420.1, Facility Safety (this does not include the authority to approve exemptions to this Order that is included in the referenced paragraph), and ensure all programs comply with this Order.

3. Title 10 CFR 830:

Subpart B 830.204 (a). For hazard category 2 and 3 nuclear facilities: Approve the methodology, with Office of Environment, Safety and Health (EH) concurrence, used to prepare the Documented Safety Analysis (DSA), including the criteria for classifying nuclear safety structures, systems, and components, and document the basis for approval whenever the contractor does not use a methodology from Table 2 of Appendix A to Subpart B of 10 CFR 830.

Subpart B 830.202 (b) (3) and Appendix A F.3. Approve final hazard categorization for category 2 and 3 nuclear facilities.

Subpart B 830.203 (b) and (c). For hazard category 2 and 3 nuclear facilities approve Unreviewed Safety Question (USQ) procedures and processes of the contractor.

Subpart B 830.203 (e). Approve changes determined to involve a USQ prior to implementation, and approve continued operations when a USQ is determined to exist.

Subpart B 830.206 (b) (1) and (2). For hazard category 2 and 3 nuclear facilities approve the preliminary DSAs, including nuclear safety criteria where required.

Subpart B 830.207 (b) and (d). For hazard category 2 and 3 nuclear facilities approve the DSA reports and revisions thereto.

Subpart B 830.205(a) (2). Approve Technical Safety Requirements (TSRs), and revisions thereto, and other hazards controls for hazard category 2 and 3 (and below) nuclear facilities.

Subpart B 830.202 (a) and (b) and Subpart B Appendix A E. 2. For hazard category 2 and 3 (and below) nuclear facilities establish and approve the safety and authorization basis in accordance with 10 CFR Part 830.

Subpart A 830.121 (b) (1), (2) and (3). Review and approve contractor Quality Assurance Programs (QAPs) for all EM programs and projects. This includes requirements under DOE O 414.1C, 5.b.(5) and (6). Review and approve annual updates.

4. DOE M 411.1-1C, Table 6.: Review and approve the authorization agreements for hazard category 2 (and below) facilities.
5. DEAR Clause 970.5204-2.: Approve the contract Environment, Safety and Health requirements.
6. Title 10 CFR 835 Subpart B 835.101 (a) and (b).: Review and either direct changes to or approve contractor Radiation Protection Programs and Implementation Plans for 10 CFR 835 within 180 days after submittal to DOE.
7. DOE O 231.1A, 5.c.(3).(a)., and DOE M 231.1-2, 4.2.a.: Designation as Program Manager which includes approval authority for Operational Emergency and Significance Category 1 Final Occurrence Reports. Authority for approval of Significance Category R and 2 Final Occurrence Reports may be assigned to a qualified Facility Representative consistent with requirements under DOE M 231.1-2, 5.6.c.
8. DOE O 226.1:
 - 5.b.(8) - Authority to initially approve and, thereafter, annually review and approve contractor integrated safety management system description updates.
 - 5.b.(10) - Authority to initially approve and, thereafter, annually review and approve contractor assurance system program description updates.
9. DOE O 414.1C, 5.b.(8) - Authority to determine which procurements the Contractor Requirement Document (CRD) to the Order should go into, the requirements for flow-down of provisions of the CRD to subcontractors or sub-awards, and provisions of the CRD with which contractors or subcontractors are to comply.

RESULTS OF EVALUATION:

All Field Managers have staff and resources with the necessary qualifications, experience, and education to support implementation of the safety authority delegations received at that site. With the exception of the Carlsbad Field Office (CBFO), Ohio Field Office (OH), and Idaho Operations Office (ID), all Field Managers receiving safety authority delegations from EM are Senior Technical Safety Manager (STSM) qualified. The compensatory measure for the three managers not STSM qualified is to have a senior named STSM qualified individual at the respective site be required to evaluate and concur on any delegated safety authority decisions or approvals prior to the manager approval. The named STSM qualified individuals are as follows:

CBFO	Lloyd L. Piper, Deputy Manager
OH	William J. Taylor, Deputy Manager
ID	Robert M. Stallman, Senior Operations and Safety Officer

The CBFO, OH, and ID Field Managers are required to become fully compliant with the STSM qualification by January 2007, such that full authority for safety delegations can be obtained.

U. S. DEPARTMENT OF ENERGY (DOE) OFFICE OF ENVIRONMENTAL MANAGEMENT (EM) Standing Operating Policies and Procedures (SOPP)		
Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities		
SOPP: PS-5.15	Revision Number: 0	Effective Date: February 2006
Author: Colette Broussard		Page: 1 of 11

1. POLICY:

- a. Authority for safety impacting nuclear facilities in the Environmental Management (EM) Program may only be delegated to a named, qualified person in a particular position through the EM process for delegation of authorities.

2. OBJECTIVES:

- a. To develop and institutionalize a process that assures the proper delegation of safety authority for nuclear facilities from the Assistant Secretary for Environmental Management (EM-1) to qualified, responsible EM managers in the Field and Headquarters (HQ).
- b. To assure that organizational lines of reporting and communication for safety are clear among Facility Representatives, other safety oversight personnel, subject matter experts (SMEs), and Field and HQ Managers.
- c. To delineate the steps and processes used to delegate authorities for safety responsibilities stated in DOE M 411.1C (DOE Safety Management Functions, Responsibilities and Authorities Manual, dated December 31, 2003: DOE FRAM).
- d. The following Delegate capabilities are verified prior to delegation of authority:
 - i. Adequate Delegate or key staff qualifications, experience, and expertise associated with safety;
 - ii. Availability of adequate resources, including sufficient and technically qualified staff and funding;
 - iii. Existence of adequate Delegate framework of processes and procedures to implement the authorities delegated; and
 - iv. Implementation of needed Delegate compensatory measures, as appropriate.

3. APPLICABILITY:

- a. This SOPP applies to all delegation of safety authority impacting nuclear facilities under the purview of EM.

**U. S. DEPARTMENT OF ENERGY (DOE)
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Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 2 of 11

4. REFERENCES:

- a. DOE M 411.1C (DOE Safety Management Functions, Responsibilities and Authorities Manual, dated December 31, 2003: DOE FRAM
- b. Environmental Management Functions, Responsibilities and Authorities Manual, Revision 3, dated March 31, 2004
- c. May 28, 2002, memorandum to Distribution from Jessie Hill Roberson, EM-1, regarding Supplemental EM Guidance for Implementing 10 CFR 830, Subpart B, Safety Requirements
- d. May 20, 2003, memorandum to Distribution from Jessie Hill Roberson, EM-1, regarding EM Guidelines and Lessons Learned for Nuclear Facility Safety Control, Selection and Implementation
- e. Defense Nuclear Facilities Safety Board (DNFSB) Recommendation 2004-1 Implementation Plan
- f. Federal Technical Capabilities Manual (DOE M 426.1-1A)
- g. Nuclear Executive Leadership Training (NELT) dated March 9, 2005
- h. December 27, 2005, memorandum from Clay Sell, subject: Delegations of Safety Authorities

5. CONTACT:

- a. Colette Broussard, Office of Integrated Safety Management and Operations Oversight (EM-3.2), (301) 903-5452, Colette.Broussard@em.doe.gov

6. DEFINITIONS:

- a. **Delegate:** The HQ or Field person receiving safety delegation(s).
- b. **Delegation:** The action taken to assign decision authority for nuclear facility safety responsibilities from the Assistant Secretary for EM (EM-1) to HQ and Field personnel, while retaining the responsibility for the outcome. Delegation means that the HQ and Field managers are given the authority to do the job, make

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 3 of 11

independent decisions, and have the accountability for seeing that the job is done in a timely, quality, and cost-effective manner, while responsibility remains with EM-1.

- c. **Delegation Agent:** EM-1 may choose to delegate authority for certain requirements to a senior EM manager. This senior EM manager would then become the Delegation Agent, and could, in turn, delegate authorities, which were not restricted, to the Field Managers or others as appropriate.
- d. **EM Delegation of Authority Review Panel:** This Panel consists of the EM Principal Deputy Assistant Secretary (EM-2), the Chief Operating Officer (EM-3) and the Deputy Assistant Secretary (DAS) for Integrated Safety Management and Operations Oversight (EM-3.2). They provide the evaluation of the Delegate candidates and their respective organizations and make recommendations for Delegates' receipt of safety delegations.

7. REQUIREMENTS:

- a. Monitoring
 - i. The DAS for Integrated Safety Management and Operations Oversight (EM-3.2) will ensure periodic reviews (at least once every 2 years) are conducted to evaluate the delegations made to ensure compliance with established/approved policy (Deputy Secretary memorandum dated December 27, 2005). The results of these reviews will be captured in a report, which will be maintained by the EM-3.2 DAS. Compensatory measures that are invoked must be approved by EM-1 with concurrence from the Central Technical Authority (CTA) for Energy, Science and Environment (ESE). Compensatory measures will have a succinct time limit for their use, and ultimately should result in fulfillment of the procedure described herein. When necessary, a Corrective Action Plan (CAP), to be approved by EM-1, may be formulated to address deficiencies. CTA ESE concurrence is also required for any CAP.
 - ii. A copy of the findings from the reviews will be submitted to EM-1 and the

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 4 of 11

CTA ESE. The findings will be tracked by EM-3.2 to ensure compensatory measures or corrective actions are implemented and resolution is achieved.

- iii. EM-3 will ensure safety delegations are monitored, such as 10 CFR 830 Nuclear Safety Requirements, to provide consistency and to allow for sharing of lessons learned, strengths, weaknesses, and risks.

b. Records

- i. The EM-3.2 DAS will maintain a copy of the following files generated by this procedure for a period of three (3) years and provide a copy to the CTA ESE:
 - (1) Delegation of Authority Memoranda;
 - (2) Reports resulting from evaluations/reviews performed of delegations; and
 - (3) Other associated delegation records as appropriate.
- ii. The EM-3.2 DAS will also provide an up-to-date matrix of delegations report for the EM Portal.

c. Training

- i. The Field or HQ Managers must be certified as a Senior Technical Safety Manager (STSM) in order to be considered to receive a safety delegation of authority.
- ii. All EM Field Managers, EM Field Deputy Managers, Assistant Managers for Environmental Management (AMEMs), and EM HQ Managers (e.g., COO, DASs and ODs) must attend and complete the NELT in order to be eligible to receive a safety delegation.

d. Criteria

- i. Safety delegations shall not be made where prohibited by statute, DOE

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 5 of 11

Safety Directives, or DOE Safety Rules.

- ii. Delegations shall be made to a person, not a position.
- iii. Delegations of safety basis requirements (pursuant to 10 CFR 830, Subpart B) shall not be further delegated below the most senior level manager or deputy manager at a field element office unless concurrence is obtained from the CTA ESE.
- iv. The delegations shall be reviewed periodically (at least every 2 years) to ensure the criteria and attributes required per the Deputy Secretary memorandum dated December 27, 2005, which are captured in this procedure, are continuously met, or that compensatory measures, as appropriate, are in place.
- v. When personnel who have received delegation of safety authorities no longer hold the position they were in when receiving the delegation, several options can be exercised to maintain the integrity and validity of the delegation:
 - (1) The original Delegate (prior to leaving the position) can delegate safety authorities to the next lower level manager in the reporting chain as long as the expectations and requirements of this procedure are met and the authority is allowed to be further delegated; or
 - (2) The EM Delegation of Authority Review Panel can evaluate the situation, recommend a compensatory measure, and ensure the compensatory measure is approved and implemented; or
 - (3) EM-1 or his Delegation Agent can rescind authorities back to the next highest level (e.g., back to EM HQ).

8. ROLES & RESPONSIBILITIES:

- a. EM-1 is the delegation administrator on nuclear safety matters (e.g., 10 CFR 830, etc.). EM-1 has the responsibility to review delegation authority recommendations; coordinate the formal review activity; document the results;

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 6 of 11

- and notify senior EM line management, including the CTA ESE, of a recommended delegation. EM-1 shall ensure that applicable legacy safety delegations, as well as new safety delegations, are reviewed by the EM Delegation of Authority Review Panel for compliance with the contents of this procedure.
- b. The EM-3.2 DAS ensures that the process and responsibilities of this procedure are implemented, including assurance that legacy safety delegations, as well as new safety delegations, are reviewed for compliance with this procedure.
 - c. The EM-3.2 DAS is responsible for interacting with the Chief of Nuclear Safety (CNS) for ESE and to keep him abreast of any EM delegations under consideration, and compensatory measures necessary such that CTA ESE concurrence can be obtained.
 - d. The EM Delegation of Authority Review Panel is responsible for coordinating with the EM-3.2 DAS and the CNS ESE to obtain concurrence from the CTA ESE on the delegation recommendation once the evaluation by the Panel has been completed.
 - e. The Delegate will report regularly to EM-1, on at least a quarterly basis, concerning the authority exercised, all matters which came within the scope of authority, and matters which were referred to higher authority if out of scope. The Report should include any sub-delegation and a listing of activities, and address any issues encountered when exercising the delegated authorities, including their resolution.
 - f. EM-1 will report to the CTA ESE on an annual basis concerning the authorities exercised by Delegates, including all matters which came within the scope of authority, and matters which were referred to higher authority if out of scope. The Report should include any sub-delegation and a listing of activities, as well as addressing any issues encountered when exercising the delegated authorities, including their resolution.
 - g. The EM-3.2 DAS will obtain concurrence on the contents of this procedure via the CNS ESE.

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 7 of 11

9. PROCEDURES:

- a. Each recommendation for the delegation of safety authority will be reviewed by an EM Delegation of Authority Review Panel, consisting of the EM Principal Deputy Assistant Secretary (EM-2), the Chief Operating Officer (EM-3) and the EM-3.2 DAS, according to the responsibilities stated above. They will ensure that each recommendation is in compliance with the objectives stated above. The EM Delegation of Authority Review Panel will consider the following in their review/recommendation on the delegation approval:
- i. Identify the specific authorities that may be delegated and those that are reserved.
 - ii. Identify which authorities may be sub-delegated, and to what level.
 - iii. Identify the source of the requirement (rule, order, or regulation) for each authority being delegated.
 - iv. Confirm the resource capabilities are available to the Delegate.
 - v. Confirm availability of required subject matter expertise and other qualified individuals.
 - vi. Confirm adequacy of budget/funding authority to retain appropriate support staff.
 - vii. Confirm the existence of adequate processes and procedures to implement the safety authorities delegated.
 - viii. For safety delegations related to approval of Documented Safety Analyses, Technical Safety Requirements, and Unreviewed Safety Question Procedures required pursuant to 10 CFR 830, Subpart B, *Safety Basis Requirements*, the following additional areas will be evaluated (note that the safety basis authorities cannot be delegated below the most senior level manager or deputy manager at a field element office without concurrence from the CTA ESE):
 - (1) Appropriate Safety Evaluation Reports (SERs) that document DOE's approval bases in accordance with DOE-STD-1104 are produced in a technically defensible and timely manner by competent staff. A written dispute management process should be

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 8 of 11

- available to effectively resolve any conflicting technical issues during the review process. All Conditions of Approval delineated in the SERs are tracked and resolved within specified time periods.
- (2) Safety Basis review process and criteria are well defined and the qualification of the lead reviewer(s) meets the available site or DOE standard. As part of a review process, the lead reviewer must identify SMEs, who are required to demonstrate requisite technical competence.
 - (3) EM guidance on referenced DOE oversight of the safety basis implementation, including an independent verification review is followed. (Reference 1 - May 28, 2002, memorandum to Distribution from Jessie Hill Roberson, EM-1, regarding Supplemental Environmental Management (EM) Guidance for Implementing 10 CFR 830, Subpart B, Safety Basis Requirements, and Reference 2 - May 20, 2003, memorandum to Distribution from Jessie Hill Roberson, EM-1, regarding Environmental Management Guidelines and Lessons Learned for Nuclear Facility Safety Control, Selection and Implementation, see Section 10. Appendices.)
 - (4) Facility Representatives are identified and qualified. Analysis is consistent with the Federal Technical Capability Panel requirements to show appropriate numbers of qualified staff are identified and/or plan is in place to obtain qualified staff in required numbers in a reasonable time period.
 - (5) Organizational lines of reporting and communication are clear among the Facility Representatives, other safety oversight personnel, SMEs, and the Field and Deputy Managers.
- b. For each authority to be delegated, EM-1, or his Delegation Agent, will ensure that the below elements relating to minimum qualifications, experience level, and expertise for the position or individual (including consideration of key senior staff) that may serve as the Delegate, as well as the process framework for implementation of the delegations are met. These elements include:

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 9 of 11

- i. Education;
- ii. Specific knowledge requirements of the site or facility;
- iii. Specific subject matter knowledge requirements;
- iv. Abilities to understand risk and risk management decision-making;
- v. Ability to communicate;
- vi. Initial and periodic training requirements;
- vii. Review of the Federal Technical Competency Program qualification/criteria; and
- viii. Adequate processes and procedures exist and are implemented.
- c. Legacy delegations existing at the time of the approval of this procedure shall be reviewed for Delegate compliance within 1 year of the approval of this procedure, or such delegation will terminate. The review must be documented.
- d. In their review/recommendation on delegation approval, the EM Delegation of Authority Review Panel will:
 - i. Specify the level of authority required to perform the delegations received;
 - ii. Evaluate the Delegate against the review considerations and elements above;
 - iii. Determine if compensatory measures are necessary, and delineate what they are for inclusion in the delegation memorandum;
 - iv. Coordinate with the EM-3.2 DAS and CNS ESE to obtain concurrence from the CTA ESE on the delegation recommendation, including concurrence on any compensatory measures necessary.
 - v. Obtain approval from EM-1 on any compensatory measures necessary.
- e. Once the Delegate is determined and CTA ESE concurrence is received, EM-1, or his Delegation Agent, will write a delegation memorandum or Memorandum of Understanding (MOU) to set forth, at a minimum, the following:
 - i. The individual (including his/her position) to whom the authority is delegated;
 - ii. The effective date of the delegation of authority;
 - iii. The period of time that the delegation will remain in effect; the renewal criteria, if any;
 - iv. As appropriate, the conditions under which the delegation is automatically

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 10 of 11

- revoked (for example facility condition, performance metrics, training, or capacity of person);
- v. The types of information that must be collected, maintained, and made available by the Delegate;
 - vi. The minimum process that will be used to monitor the delegation;
 - vii. A requirement that the delegation letter be posted at the Field Element and on the EM Portal and, in the case of an MOU, made available by both parties;
 - viii. Compensatory measures, if needed, which will have a succinct time limit for their use, and ultimately should result in fulfillment of the procedure described herein; and
 - ix. The authority to delegate below the person delegated to, including the lowest level allowed.

10. APPENDICES:

- A. May 28, 2002, memorandum to Distribution from Jessie Hill Roberson, EM-1, regarding Supplemental Environmental Management (EM) Guidance for Implementing 10 CFR 830, Subpart B, Safety Basis Requirements.
- B. May 20, 2003, memorandum to Distribution from Jessie Hill Roberson, EM-1, regarding Environmental Management Guidelines and Lessons Learned for Nuclear Facility Safety Control, Selection and Implementation.
- C. December 27, 2005, memorandum from Clay Sell, subject: Delegations of Safety Authorities.

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Personnel Services: Environmental Management Process for Delegation of Safety Authorities

SOPP: PS-5.15

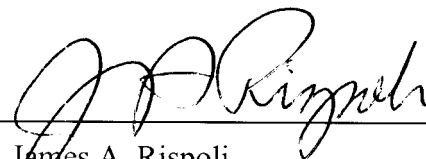
Revision Number: 0

Effective Date: February 2006

Author: Colette Broussard

Page: 11 of 11

Approving Official: _____



James A. Rispoli
Assistant Secretary for
Environmental Management

Date: _____

3/1/06

Concurring Official: _____



David K. Garman
Central Technical Authority, Under Secretary
for Energy, Science and Environment, DOE

Date: _____

3/1/06

Appendix A



Department of Energy

Washington, DC 20585

May 28, 2002

MEMORANDUM FOR DISTRIBUTION

FROM: JESSIE HILL ROBERSON *Jessie Hill Roberson*
ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT

SUBJECT: Supplemental Environmental Management (EM) Guidance for
Implementing 10 CFR 830, Subpart B, Safety Basis
Requirements

As part of the 10 CFR 830, Subpart B implementation study currently underway within DOE-EM, three workshops were conducted at DOE Headquarters during the week of April 15, 2002. The focus of these workshops was to facilitate cost-effective and safety-enhancing implementation of the nuclear safety rule.

Participants from both DOE and EM contractors were present from the following sites: Brookhaven National Laboratory, Hanford (both Richland Operations Office and Office of River Protection), Idaho National Engineering and Environmental Laboratory, Lawrence Livermore National Laboratory, Mound, Oak Ridge, Rocky Flats, Savannah River, and the Waste Isolation Pilot Plant. DOE participants from various headquarters offices in Environmental Management (EM-5), Environment, Safety and Health (EH-10, EH-23 and EH-53) and General Counsel (GC-52) were also in attendance. I very much appreciate each of your offices' help in making these workshops a success.

Based on the inputs of the workshop participants, supplemental 10 CFR 830 Subpart B guidance was prepared in the areas of exemptions, nuclear facility hazard categorization, and implementation of documented safety analysis (DSA) and technical safety requirements (TSR). This guidance is intended to eliminate uncertainty and clarify expectations which, in turn, will enhance safety and reduce costs. These three sets of guidance, are attached for your offices' and contractors' use.

I recognize that this guidance would be better located in DOE guides and standards. While this is a preferable endpoint, my goal in issuing this guidance now is to allow for more timely, cost-effective and consistent application across the EM complex. Therefore, you are requested to expeditiously implement this guidance and notify me of the completion of your implementation actions within 30 days of the date of this memorandum.



For questions or clarification, please contact Sandra Johnson, Director, Office of Safety, Health and Security (EM-5) at (202) 586-0651, or have your staff contact Dr. Maria Gavrilas-Guinn, EM-5 at (202) 586-2232.

Attachments:

- 1.0 EM Supplemental Guidance on 10 CFR 830 Exemptions (with attached diagram)**
- 2.0 EM Supplemental Guidance on Nuclear Facility Hazard Categorization**
- 3.0 EM Supplemental Guidance on DSA/TSR Implementation**

Distribution

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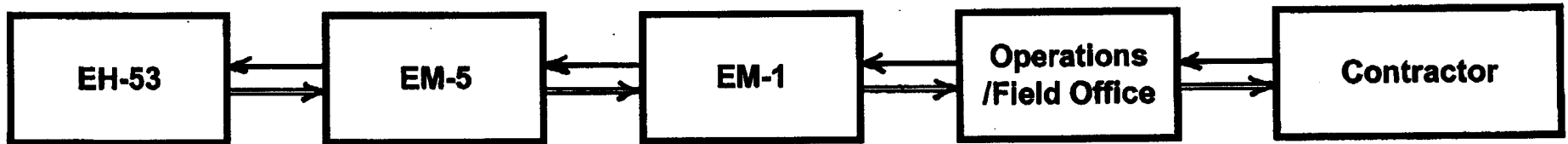
Celinda Crawford, Acting Associate Director for Environmental Management and Defense Programs, National Energy Technology Laboratory (NETL)

1.0 EM Supplemental Guidance on 10 CFR 830 Exemptions

As previously reiterated in EM memoranda of January 10, 2001, March 27, 2001, and April 8, 2002, exemptions to 10 CFR 830 will be processed consistent with 10 CFR 820 and DOE-STD-1083-95, *Requesting and Granting Exemptions to Nuclear Safety Rules*. The following additional guidance supplements these existing requirements.

- 1.1 10 CFR 830.207(a) requires the contractors to submit a rule-compliant safety basis for DOE approval by April 10, 2003. Consistent with the precedent established in DOE Office of Enforcement Guidance Supplement 95-01, EM contractors should submit requests for exemption from 10 CFR 830.207(a) to DOE no later than February 10, 2003.
- 1.2 Implementation, as well as preparation and approval of safety basis documents can be significant cost and schedule drivers. Exemption requests must address two types of implementation actions in their justification:
 - 1.2.1 As discussed in DOE-STD-1083-95, Section 3.2(c), the scope, cost and schedule of actions necessary to implement a rule-compliant documented safety analysis (DSA) and associated technical safety requirements (TSRs) shall be addressed. Attachment 3 to this memorandum provides specific considerations for DSA/TSR implementation.
 - 1.2.2 As discussed in DOE-STD-1083-95, Section 3.2(g), the scope, cost and schedule of actions necessary to implement the requested exemption and any related "mitigating actions" shall be specifically addressed.
- 1.3 The attached flow diagram illustrates the EM process I have established for the approval of exemption requests.
 - 1.3.1 The EM-5 site liaisons (listed on the diagram) are the primary points of contact for early coordination and processing of 10 CFR 830 exemption requests.
 - 1.3.2 In accordance with DOE-STD-1083-95, a period of 180 days is allowed for DOE review and disposition of exemption requests. The goal of EM-Headquarters is to complete the process in less than 60 days, contingent upon the contractor satisfying the content requirements specified in Section 3.2 of DOE-STD-1083-95.
- 1.4 The Integrated Safety Management System Guide 450.4-1B, Volume 1, Chapter 2, specifies format and content requirements for authorization agreements. Consistent with this existing guidance, any approved exemptions to Subpart A or Subpart B to 10 CFR 830 shall be incorporated into the associated authorization agreements. For nuclear facilities without authorization agreements, documentation of approved exemptions shall be contractually captured and maintained. This will ensure each exemption and the terms and conditions embodied within have a contractual home and are not "lost" with the passage of time.
- 1.5 Following EM-1 approval of an exemption request, the contractor shall be required by the local DOE office to satisfy any conditions established in the approved exemption requests. This is expected to include commitment tracking of future actions required by the exemption.

10 CFR 830 EM Exemption Process



- Operations/Field Office initiates early discussions with EM Site Liaison on exemption content, documentation, and timing.
- Operations/Field Office sends the contractor's exemption request, DOE evaluation, and DOE recommendation to EM-1, with copies to EM-5 and EH-53.
- EM-5 (Site Liaison and Maria Gavrilas-Guinn) verifies that the exemption request package is complete (contains elements required by 10 CFR 820 and DOE-STD-1083-95).
- EM-5 (Site Liaison and Maria Gavrilas-Guinn) prepares the exemption approval package (memo, technical review and decision); as appropriate, consults with EM Site Office for programmatic impact.
- EM-5 (Maria Gavrilas-Guinn) obtains EH-53 comments and interfaces with GC as needed.

EM-3

DAS

EM Site Office

Carlsbad
Idaho
Nevada
Oak Ridge
Oakland
Ohio
Rocky Flats
Richland
River Protection
Savannah River

EM-5 Site Liaisons

Thomas T. Evans	301-903-7609
John J. Serocki	301-903-7999
Thomas T. Evans	301-903-7609
Teresa Gepner	301-903-2241
Thomas T. Evans	301-903-7609
Thomas T. Evans	301-903-7609
Terrance M. Tracy	301-903-2173
Terry Krietz	301-903-6456
Terry Krietz	301-903-6456
Craig C. Scott	301-903-2192

2.0 EM Supplemental Guidance on Nuclear Facility Hazard Categorization

10 CFR 830.202(b)(3) requires nuclear facilities to be categorized in accordance with DOE-STD-1027-92, Change Notice 1. DOE-STD-1027-92 describes a simple threshold methodology for quick, preliminary hazard categorization but acknowledges additional analysis may justify a different final hazard category. Based on insights and inquiries obtained from the EM field, the following clarifications and expectations are provided for use at EM facilities.

- 2.1 DOE-STD-1027-92, Section 3.1.2, permits for final hazard categorization to a lower or higher hazard category. For cost effectiveness, final hazard categorization may be developed and approved by DOE separate from, and prior to, completion of the associated documented safety analysis and related technical safety requirements.
- 2.2 For nuclear facilities with inventories above the hazard category 3 threshold quantity in DOE-STD-1027-92, Table A.1, but for which the proposed final hazard categorization is less than hazard category 3:
 - 2.2.1 DOE approval of the final hazard categorization is required in accordance with DOE M 411.1-1B, *Safety Management Functions, Responsibilities, and Authorities Manual*.
 - 2.2.2 The contractor must maintain the assumptions and controls (e.g., inventory control) as defined in the approved final hazard categorization
- 2.3 10 CFR 830.202(c)(1) requires that the safety basis be kept current to reflect changes in the facility, work, and hazards. EM contractors shall have a process to ensure that final hazard categorizations for below hazard category 3 nuclear facilities are revisited for any changes that may affect the approved final hazard categorization controls or assumptions (e.g., introduction of a new energy source). Some sites utilize a process very similar to their unreviewed safety question process for this purpose.
- 2.4 Section 9.3.2 of DOE M 411.1-1B assigns the responsibility to the Cognizant Secretarial Officer (CSO) to approve the final hazard categorization. Pending clarification by the Office of Environment, Safety and Health or General Counsel, it is EM's position that final facility hazard categorization, as approved by DOE, determines the applicability of 10 CFR 830, Subpart B. For facilities whose hazard categorization is not final or DOE approval of the final hazard categorization downgrade is pending, the contractor must comply with 10 CFR 830, Subpart B, in accordance with the preliminary hazard categorization or the current approved final hazard categorization.
- 2.5 Nuclear facilities which are recategorized as below hazard category 3 are expected to realize cost savings since hazard category 2 and 3 nuclear facilities are the subject of higher expectations and certain DOE rules and orders (e.g., 10 CFR 830 Subpart B and DOE O 425.1B, *Startup and Restart of Nuclear Facilities*). DOE-STD-1027-92, Attachment 1, provides the hazard category 3 dose threshold criterion for final hazard categorization but does not provide the method to calculate this dose. To support EM facility recategorization, EM will be requesting assistance from EH and/or the EM contractor community to develop a standard method for demonstrating facility recategorization below this dose threshold criterion.

3.0 EM Supplemental Guidance on DSA/TSR Implementation

Implementation of the documented safety analysis (DSA) and technical safety requirements (TSR) is not explicitly addressed in 10 CFR 830. EM understands that there may be a need for such an implementation period following DSA/TSR approval. For the purpose of this guidance, DSA/TSR implementation is defined as those activities that occur between the issuance of the safety evaluation report (SER) and the effective date of the new DSA/TSR.

- 3.1 In accordance with 10 CFR 830.203, the unreviewed safety question process applies to the existing safety basis (e.g., basis for interim operations, safety analysis reports) until that basis is replaced by the new DSA/TSR on its effective date.
- 3.2 During development, review, approval, and prior to the effective date of the new DSA/TSR, configuration management shall be maintained on the new DSA/TSR. The purpose of this is to evaluate changes to the facility, the analysis, or both, to identify those that must be addressed in the new DSA/TSR prior to the effective date.
- 3.3 EM field offices shall ensure that contractors formally address DSA/TSR implementation cost, scope, and schedule in all future DSA/TSR submittals.
- 3.4 EM approval authorities shall specifically address the DSA/TSR effective date and any conditions of approval specific to implementation in the SER. Unless the effective date is specifically addressed in the SER, the DSA and TSR are effective immediately upon issuance of the SER per 10 CFR 830.207(b). (See also 66 FR 7, January 10, 2001, page 1816, Response to Comment LL.) "Conditions of approval" are briefly discussed in Section 3 of DOE-STD-1104-96, *Review and Approval of Nonreactor Nuclear Facility Safety Analysis Reports*.
- 3.5 Configuration management costs for new DSAs/TSRs are directly related to the length of the implementation period. Therefore, DSA/TSR implementation should be of high priority and accomplished within 90 days of SER issuance. The duration of the DOE review and approval process, likewise, drives these costs and should also be of high priority and accomplished within 90 days.
- 3.6 On April 8, 2002, I requested that you provide additional schedule information on DSA/TSR implementation. Examples of activities that contribute to and should be accounted for in the implementation duration include hardware modifications and testing, procedural development, personnel training, and verifying completion of implementation preparations.

Appendix B




Department of Energy

Washington, DC 20585

May 20, 2003

MEMORANDUM FOR DISTRIBUTION

FROM:


JESSIE HILL ROBERSON
ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT

SUBJECT:

ENVIRONMENTAL MANAGEMENT GUIDELINES AND
LESSONS LEARNED FOR NUCLEAR FACILITY SAFETY
CONTROL SELECTION AND IMPLEMENTATION

The Office of Environmental Management (EM) has issued supplemental guidance through several memorandums aimed at improving the quality, costs and effectiveness of Part 830, Subpart B, to Title 10 of the Code of Federal Regulations (10 CFR 830) compliance activities. Subsequent to these efforts, the Defense Nuclear Facilities Safety Board (Board) issued Recommendation 2002-3, *Requirements for the Design, Implementation, and Maintenance of Administrative Controls*, in which the Board raised concerns over perceived weaknesses in the implementation of important administrative controls.

Administrative controls are an integral part of the safety basis for EM nuclear facilities, particularly for operations such as facility disposition (e.g., deactivation, decontamination, dismantlement), which may have fewer engineered safety features available to control facility hazards. While the current Department of Energy nuclear safety requirements and standards provide a sufficient framework for establishing administrative controls, EM sites can still benefit from sharing lessons learned and adopting "best practices" on the selection and implementation administrative controls at EM facilities.

As such, a meeting was held in March 2003 with representatives from EM sites to discuss effective control selection and implementation practices. The group's collective input has been documented as an attachment to this memorandum and includes general practices applicable to all EM operations, as well as those specific to facility disposition activities. Technical Safety Requirement examples are also provided to illustrate various practices that are recommended.

Please ensure that the attached guidelines and lessons learned are reviewed and utilized appropriately for EM facilities and activities, particularly for facility disposition. If you have any questions, please call Mr. Dae Chung, Senior Technical Advisor, Office of Safety and Engineering, at (301) 903-3968.

Attachment



Printed with soy ink on recycled paper

Distribution

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Beverly Cook, EH-1
Paul Golan, EM-3
Sandra Johnson, EM-5
Mark Frei, EM-30

Appendix C



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 cursive script 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.