



Justification for Continued Operation

EFCOG SAWG Meeting

November 7, 2007

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and Environmental Assistance (HS-22)



Presentation Overview



- **DNFSB Letter**
- **Data Call and results**
- **Evaluation of Regulatory Basis**
- **Path Forward**



DNFSB April 19, 2007 Letter



- Concerns
 - an unclear regulatory basis for JCOs;
 - a lack of definitive expectations and guidance;
 - JCOs that appear to have excessive durations;
 - JCOs implemented for planned activities;
 - Inconsistencies use of JCOs;
 - the need for a robust system to track JCOs.
- Recommendations
 - assess the safety significance of outstanding JCOs, including considerations related to their duration
 - implement corrective actions to disposition outstanding JCOs
 - develop and promulgate appropriate guidance and requirements to ensure that JCOs are properly developed and approved at defense nuclear facilities.



EM and NNSA Data Call Results



- Reviewed contractor and DOE/NNSA site procedures at 7 NNSA sites and 7 EM sites
 - NNSA: LLNL, LANL, NTS, SNL, SRS, Y12, Pantex
 - EM: WIPP, ICP, Paducah/Portsmouth, SRS, Hanford, ORNL, ETTP
- Relative to DNFSB concerns with JCO's, the DOE/NNSA review found that
 - Wide variation in site procedures for using JCOs
 - 4 out of the 14 sites reviewed have JCOs that are over 1 year old.
 - 6 out of the 14 sites have provisions for utilizing a JCO or JCO like process for planned activities



EM and NNSA Data Call Results



- Relative to Implementation of DOE G 424.1
 - Most sites had implemented DOE G 424.1 guidance in their USQ procedures.
 - All sites use JCOs or a JCO-like process as an alternative to shutdown when an unplanned condition arises.
 - All sites have a process for review and approval for JCOs.
 - All sites include the safety significance of the situation and compensatory measures in their JCO documents and procedures.
 - Sites vary on the inclusion of termination points in JCOs, or the maximum length of time that a JCO can last.
 - Site policies for implementing JCOs for planned activities varied with 6 sites allowing JCO like process for planned activities.



Evaluation of Regulatory Basis



- Young Memo (1992)
 - The purpose of a JCO process is to provide a means for a contractor to obtain DOE approval of operations of a facility on a temporary basis when the current requirements cannot be fully met.
 - a JCO is a request for approval to operate temporarily beyond the current authorization basis
- DOE G 424 Guidance (July 2006)
 - A justification for continuing operations (JCO) offers an alternative to ceasing operations
 - A JCO is a mechanism by which a contractor may request that DOE review and approve a temporary amendment to the facility safety basis
 - A JCO is not an appropriate means to request a change of the safety basis for a planned operation
 - Calls for DOE approval of JCO
 - Calls for a pre-defined, limited life



Evaluation of Regulatory Basis



- 10 CFR 830 Definitions
 - Safety Basis: the documented safety analysis and hazard controls that provide reasonable assurance that a DOE nuclear facility can be operated safely in a manner that adequately protects workers, the public, and the environment. (from 10 CFR 830.3)
 - DSA: documented analysis of the extent to which a nuclear facility can be operated safely with respect to workers, the public, and the environment, including a description of the conditions, safe boundaries, and hazard controls that provide the basis for ensuring safety. (from 10 CFR 830.3)



Evaluation of Regulatory Basis



- 10 CFR 830 PISA Actions
 - Take action, as appropriate, to place or maintain the facility in a safe condition until an evaluation of the safety of the situation is completed;
 - Notify DOE of the situation
 - Perform a USQ determination and notify DOE promptly of the results;
 - Submit the evaluation of the safety of the situation to DOE prior to removing any operational restrictions initiated to meet paragraph (g)(1) of this section



Evaluation of Regulatory Basis



- What is a “safe condition.”
- What are Operational Restrictions
- When does an evaluation of the safety of the situation (EOSS) need to be performed and what is its content
- Relationship between an evaluation of the safety of the situation (EOSS) and a JCO



Path Forward



- Emphasize that JCO's are not appropriate for planned activities (method for communicating this is being discussed)
- Work with Site Offices to close out long-standing (greater than 1 year old JCOs as appropriate)
- Develop proposed G 424 revision to provide additional information on JCOs use and content
- Work with EFCOG on analysis of need for additional guidance for safety basis amendments for short term planned activities