



Department of Energy

Washington, DC 20585

MEMORANDUM FOR INGRID A. C. KOLB
DIRECTOR, OFFICE OF MANAGEMENT

THROUGH: KEVIN T. HAGERTY *Kevin T. Hagerty*
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FROM: GLENN S. PODONSKY *Glenn S. Podonsky*
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SUBJECT: Revision to Department of Energy Guide 424.1-1A, *Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements*

PURPOSE: This memo provides justification for a revision to Department of Energy (DOE) Guide (G) 424.1-1A, *Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements*. This change consolidates and updates guidance on the use of Justifications for Continued Operations (JCOs).

JUSTIFICATION: The Office of Health, Safety and Security (HSS) is revising DOE Guide 424.1-1A to address concerns with inconsistent and inappropriate use of JCOs throughout the Department which was identified by both the Defense Nuclear Facilities Safety Board (DNFSB) and the Government Accountability Office (GAO) and confirmed in an internal review of JCO use. The internal review, performed by HSS, the Office of Environmental Management, and the National Nuclear Security Administration, found that there were wide variations in the use of JCOs across the complex which were due, in large part, to the lack of clear guidance contained in DOE G 424.1-1A. One area that was particularly unclear was the relationship of a JCO to an Evaluation of the Safety of the Situation (ESS), which is developed, as required under 10 C.F.R. Part 830, *Nuclear Safety Management*, in situations where a JCO is also used. Furthermore, existing guidance on the use of JCOs and ESSs has become scattered throughout DOE G 424.1-1A as modifications to the Guide have been made.

HSS, with the support of DOE Program Secretarial Offices and the Energy Federal Contractors Group, developed a revision to DOE G 424.1-1A that consolidates and clarifies the guidance regarding the use of JCOs and ESSs (attached). The revised Guide addresses the DNFSB and GAO concerns and will result in more consistent and appropriate use of JCOs while providing sufficient flexibility where warranted.

IMPACT: The proposed revision to DOE G 424.1-1A does not place any new requirements on DOE or its contractors. However, it does clarify how JCOs are to be utilized within DOE's regulatory structure and provides a preferred approach for processing JCOs that will likely result in some Contractors revising their Unreviewed Safety Question procedures. Although there may



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be some modest initial cost in making such revisions, in the long term, there will be a stronger basis for the use of JCOs and greater confidence that DOE contractors will appropriately analyze and document the safe operation of nuclear facilities when conditions occur that result in the need for JCOs and ESSs. In addition, the use of the revised Guide for the development and format of JCOs should result in more consistent and appropriate use of JCOs and ultimately result in long term savings for the DOE complex.

We are requesting a 60-day comment period.

CONTACT: James O'Brien, HS-21, 3-1408

DECISION:

Concur: _____

Non-concur: _____

Timeframe: ___ 30 days X 60 days ___ 90 days ___ 120 days

Date: _____

Attachment