

NNSA POLICY LETTER

BOP-10.002

Approved: 12-10-09

DELEGATIONS OF NUCLEAR SAFETY AUTHORITY



**NATIONAL NUCLEAR SECURITY ADMINISTRATION
Office of Nuclear Safety**

AVAILABLE ONLINE AT:
<http://hq.na.gov>

INITIATED BY:
Office of Nuclear Safety

DELEGATIONS OF NUCLEAR SAFETY AUTHORITY

1. PURPOSE:

- a. To assure that the NNSA delegations process follows the criteria and attributes that were established by the Deputy Secretary; and
- b. To delineate the process by which authority is delegated for safety responsibilities at nuclear facilities.

2. CANCELLATIONS: NNSA Delegation Procedure, Rev. 0, August 2006.

3. APPLICABILITY: The provisions of this Policy apply only to NNSA employees in the Offices of Defense Programs and Defense Nuclear Nonproliferation.

4. REQUIREMENTS:

- a. The NNSA Nuclear Safety Delegation Procedure (Attachment 1) defines the process requirements and provides direction for requesting, evaluating, maintaining and assessing nuclear safety delegations of authority applicable to Hazard Category 1, 2 and 3 nuclear facilities.
- b. This BOP and attachments shall be updated, as necessary, within 180 days of the Department issuing DOE O 411.X, *Safety Management Functions, Responsibilities, and Authorities*, that incorporates the Deputy Secretary's memoranda denoting requirements and process expectations for delegation of safety authorities.

5. RESPONSIBILITIES:

- a. Central Technical Authority
 - (1) Concurs with nuclear safety delegations to those individuals below the most senior program officer or deputy at a field element for NNSA approvals pursuant to 10 CFR 830, Subpart B, *Safety Basis Requirements*.
 - (2) Concurs with nuclear safety delegations when compensatory measures are required.
 - (3) Provides the Administrator and appropriate Deputy Administrator with appropriate recommendations when concerns raised by the Chief of Defense Nuclear Safety require corrective actions.

- b. Chief of Defense Nuclear Safety
 - (1) Supports the Principal Deputy Administrator in carrying out the functions of the Central Technical Authority.
 - (2) Periodically reviews and assesses whether NNSA organizations with delegated authorities have adequate numbers of technically competent personnel necessary to meet nuclear safety requirements and identifies concerns to the Central Technical Authority.
 - (3) Periodically reviews the delegation process to evaluate whether it is adequate and functioning properly and identifies concerns to the Central Technical Authority.
- c. Deputy Administrators
 - (1) Designate an office to perform evaluation, assessment and maintenance functions of this directive.
 - (2) Include the Central Technical Authority (CTA) in the evaluation of delegation requests requiring CTA concurrence.
 - (3) Designate two Assistant Deputy Administrators to concur in delegation approval.
 - (4) Approve Site Office requests for delegation of nuclear safety responsibilities in accordance with the NNSA Safety Delegation Procedure.
- d. Assistant Deputy Administrators
 - (1) Review evaluations of nuclear safety delegation requests and concur, if acceptable, on delegation recommendation to the respective Deputy Administrator.
 - (2) The Assistant Deputy Administrator for Nuclear Safety and Operations (NA-17) is the lead senior manager for the Defense Programs' evaluation, assessment and maintenance of nuclear safety delegations to the Site Offices.
- e. Site Office Managers
 - (1) Submit requests for delegation of nuclear safety responsibilities to the Deputy Administrator in accordance with the NNSA Delegation Nomination Form. (See Appendix A of Attachment 1)
 - (2) Ensure requests for delegation of startup authority for new Hazard Category 2 nuclear facilities with a total project cost less than \$200 million are in accordance with the NNSA Safety Delegation Procedure.

- (3) Submit any requests for re-delegation of nuclear safety authorities to the original authority for approval and the CTA for concurrence.
 - (4) Establish methodologies for documenting compensatory measures, if necessary.
 - (5) Ensure the delegates maintain their position and qualification, and that Site Office capabilities remain adequate.
 - (6) Notify NA-17 of any changes in delegation status.
- f. Director, Office of Nuclear Safety (NA-171)
- (1) Perform evaluation, assessment and maintenance functions of this BOP for the Deputy Administrator for Defense Programs.
 - (2) Support the Chief of Defense Nuclear Safety in the performance of periodic assessments to verify that individuals and their organizations within Defense Programs maintain the necessary capability to accomplish delegated or re-delegated authorities.
 - (3) Maintain a delegation database for delegated safety authorities that are not formally documented within the NNSA Functions, Responsibilities, and Authorities Manual (NA-1 SD 411.1-1).
6. REFERENCES: All references in this Business Operating Procedure mean the cited or successor revision of the document. A successor document is one that cancels and/or replaces the cited document.
- a. Title XXXII of P.L. 106-65, *National Nuclear Security Administration Act*, as amended, which established a separately organized agency within the Department of Energy.
 - b. Memorandum from Clay Sell to Linton Brooks et al, *Delegations of Safety Authorities*, dated December 27, 2005 (See Attachment 2).
 - c. DOE M 411.1-1C, *Safety Management Functions, Responsibilities and Authorities Manual*, December 31, 2003.
 - d. NA-1 SD 411.1-1C, *NNSA Safety Management Functions, Responsibilities and Authorities Manual*, February 15, 2008.
 - e. Memorandum from Linton Brooks to Clay Sell, *Delegations of Safety Authorities*, dated February 13, 2006.
 - f. Memorandum from Linton Brooks to Distribution, *Clarification of Roles and Responsibilities in Critical Functional Areas*, dated January 2, 2003.

- g. Memorandum from Linton Brooks to the Principal Deputy Administrator and Deputy Administrator for Defense Programs, *Delegation of Authority for Order 425.1C Startup and Restart of Nuclear Facilities*, dated April 20, 2005.
 - h. Defense Nuclear Facilities Safety Board (DNFSB) Recommendation 2004-1 Implementation Plan.
7. POINT OF CONTACT: Questions concerning this Business and Operating Policy Letter should be addressed to the Director, Office of Nuclear Safety (NA-171), 202-586-4379.



Thomas P. D'Agostino
Administrator

Attachments:

1. NNSA Nuclear Safety Delegation Procedure
2. DOE Deputy Secretary Memoranda, *Delegation of Safety Authorities*, 12-27-2005

SAFETY DELEGATION PROCEDURE
for the
NATIONAL NUCLEAR SECURITY ADMINISTRATION



August 2009

FOREWORD

This procedure reflects the requirements and expectations of the National Nuclear Security Administration for the delegation of authority for nuclear safety requirements applicable to Hazard Category 1, 2 and 3 nuclear facilities. This procedure shall be updated within 180 days of the Department issuing DOE O 411.X, *Safety Management Functions, Responsibilities, and Authorities*. This revised Order is intended to incorporate the Deputy Secretary's memoranda and will denote the emphasis on the requirements and process expectations for delegation of safety authorities.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

SAFETY DELEGATION PROCEDURE

TABLE OF CONTENTS

1.	Applicability	1
2.	Requests for Nuclear Safety Delegations	1
3.	Headquarters Evaluation of Delegation Requests	3
4.	Re-Delegations.....	4
5.	Compensatory Measures	4
6.	Site Capability.....	5
7.	Assessments	5
8.	Delegation of Other Safety Authorities	6
9.	Rescinding Delegations	6
10.	Maintenance of Delegation Records.....	6

APPENDIX A: NNSA Delegation Nomination Form

APPENDIX B: NNSA Administrator Memoranda, *Delegation of Authority for Order 425.1C*, 4-20-05

Department of Energy (DOE) Secretary Memorandum, *Delegation of Authority for DOE Order 425.1C, Startup and Restart of Nuclear Facilities*, 2-15-05

Attachment 1

This page is intentionally blank

Attachment 1

1. APPLICABILITY.

A. Nuclear safety delegations that apply to Sections 2-7 are defined by the following:

- (1) *Authorization Basis* (includes approval of Safety Design Strategy (SDS), Conceptual Safety Design Report (CSDR) and Preliminary Safety Design Report (PSDR); approval documentation for the SDS, Conceptual Safety Validation report for the CSDR, and Preliminary Safety Validation report for the PSDR; Preliminary Documented Safety Analyses (DSA), DSA, Technical Safety Requirements, and Unreviewed Safety Question procedures; and Safety Evaluation Reports).
- (2) *Startup and Restart of Nuclear and non-Nuclear Facilities including Accelerators and nuclear explosive operations* (includes restart authority for Hazard Category 2 & 3 nuclear facilities and High Hazard non-nuclear facilities; startup authority for Hazard Category 3 nuclear facilities and High Hazard non-nuclear facilities; startup authority for new Hazard Category 2 facilities with a total project cost of less than \$200 million¹).
- (3) *Facility Safety* (includes review and approval of implementation plans for nuclear and explosives safety design criteria; operations involving criticality hazards that require deviations from the double-contingency principle contained in ANSI/ANS 8.1 and required by DOE O 420.1B; implementation methods other than those in referenced implementation guides and standards; or the basis for exceptions to including multiple physical barriers to prevent or mitigate the unintended release of radioactive materials to the environment as part of the nuclear facility design in the DSA).

B. Facility Safety delegations to approve exemptions from DOE O 420.1B requirements will no longer be approved and existing delegations will not be renewed for successors.

C. The delegation process for other safety delegations included in the DOE FRAM or NNSA FRAM is described in Section 8.

2. REQUESTS FOR NUCLEAR SAFETY DELEGATIONS.

A. In accordance with the Deputy Secretary's direction, the appropriate Deputy Administrator can only delegate to individuals who meet the following criteria:

- (1) Those who are not prohibited by statute, DOE safety directives, or DOE safety rules.
- (2) Those who possess the necessary individual qualifications, experience, and expertise.
 - a Authorization Basis delegations (defined in Section 1 of this procedure) shall not be delegated below the most senior level program officer or deputy at a field element office, unless concurrence is obtained from the applicable CTA.

¹ Startup authority for new Hazard Category 2 facilities with a total project cost of less than \$200 million can be delegated from NA-10 only after additional criteria defined in Section 4 are satisfied. See also Appendix B.

Attachment 1

- b Minimum individual requirements for the most senior level program officer at a field element office and his/her deputy include (1) Senior Technical Safety Manager qualification consistent with DOE-STD-1175, *Senior Technical Safety Manager Functional Area Qualification Standard*, and the Federal Technical Capability (DOE 426 and NA-1 426) series directives, and (2) successful completion of the one-week Nuclear Executive Leadership Training course.
- (3) When the candidate's organization possesses the necessary staff with the necessary qualifications, experience, and expertise to support the candidate for the authorities being delegated. To meet this requirement, it is permissible for the candidate's organization to rely on other DOE entities (e.g., NNSA Service Center, DOE-EM Field Office at Savannah River, etc.) to augment its staff, provided a documented agreement between the organizations is in place.
- (4) Where the candidate's organization has the proper framework of processes and procedures, as well as adequate resources and funding to execute the delegated authorities.
- (5) Where delegations must be made (in rare cases) prior to the candidate fully satisfying the established criteria above, compensatory measures shall be established and implemented (see Section 5).
- B. For an individual to receive a new delegation(s), the Site Office Manager shall submit a memorandum to the appropriate Deputy Administrator requesting the specific delegation(s) for the identified individual(s) in accordance with the NNSA Delegation Nomination Form (Appendix A) to demonstrate the individual and organization meet the delegation criteria. Delegation requests should provide specific details on the conditions of the proposed delegation (e.g., delegation is for approval of revisions to DSA documents, delegation includes extended absences, etc.)
- C. Individuals proposed for delegations shall meet the following minimum qualification expectations with consideration of experience submitted on the nomination form:

Delegation	Minimum Expectation
Authorization Basis	Qualified as Senior Technical Safety Manager (STSM) Complete Nuclear Executive Leadership Training
Startup / Restart	STSM Qualified
Facility Safety	STSM Qualified

- D. Site Office Managers may request startup authority for new Hazard Category 2 facilities with a total project cost of less than \$200 million, provided the new facility is similar to other facilities already authorized to operate under the control and oversight of the Site Office Manager and the conditions established below are met (see also Appendix B):
- (1) The processes employed in the new facility are not significantly different from

Attachment 1

those in other facilities at the same site that are currently authorized to operate.

- (2) The hazards posed by activities in the new facility are not significantly different from the hazards posed by activities in other facilities at the site that are currently authorized to operate.
- (3) The safety systems and controls, including administrative controls, cited in the DSA for the new facility are not significantly different from the safety systems and controls cited in the DSA for other facilities at the site that are currently authorized to operate.
- (4) Requests for delegated startup authority should be made to the appropriate Deputy Administrator addressing how the above conditions are met. Delegation Nomination Forms (Appendix A) may be submitted or cited for the proposed delegate.
- (5) Startup authority for Category 2 Nuclear Facilities shall not be delegated below the Site Office Manager without CTA concurrence.

3. HEADQUARTERS EVALUATION OF DELEGATION REQUESTS.

- A. Upon receipt of the delegation request, the appropriate Deputy Administrator shall conduct a thorough review of the delegation request to:
 - (1) Ensure that the criteria listed in Section 2 are met,
 - (2) Ensure that the individual's minimum qualification expectations are met, and
 - (3) Ensure that the individual's nuclear safety experience is adequate.
- B. For those delegations requiring concurrence of the Central Technical Authority (CTA), the delegation request shall be sent by the appropriate Deputy Administrator to the CTA for concurrence, prior to the Deputy Administrator's final approval. Delegations requiring CTA concurrence include:
 - (1) Authorization Basis delegations to individuals below the Site Office Manager or Deputy;
 - (2) Delegations with compensatory measures (as described in section 5); and
 - (3) Restart delegations for Hazard Category 2 nuclear facilities and startup for Hazard Category 3 nuclear facilities to individuals below the Site Office Manager or Deputy².
- C. A minimum of two senior managers within the Deputy Administrator's organization shall concur on the delegation request prior to approval. For NA-10, the two senior managers typically include the Assistant Deputy Administrator for Nuclear Safety and Operations (NA-17) and either the Assistant Deputy Administrator for Science, Engineering &

²CTA concurrence for delegation of startup/restart authority below the Site Office Manager or Deputy is not required per the Deputy Secretary criteria, but is additionally applied.

Attachment 1

Production (NA-12) or the Principal Deputy Administrator for Military Applications (NA-10).

- D. Once a delegation is approved, delegations remain in effect as long as the delegate maintains the position and qualifications, and the Site Office capacities and capabilities remain adequate to support the delegate in the execution of the safety authorities. (Site Office capabilities discussed in section 6).

4. RE-DELEGATIONS.

- A. Re-delegations below the Site Office Manager or Deputy require CTA concurrence for those nuclear safety delegations listed in Section 1.A.
- B. Authorization authority for startup of new Hazard Category 2 nuclear facilities is not to be re-delegated from the Site Office Manager.
- C. Re-delegations can only be made to specific individuals, and not to organizational positions. Non-approved individuals may not execute safety authorities while in an acting capacity for the delegate.

5. COMPENSATORY MEASURES.

- A. The criterion in Section 2.A(5) permits compensatory measures in rare cases. Delegations requiring compensatory measures require CTA concurrence (Section 3.B.2).
- B. Site Office Managers shall specify in their request how compensatory measures will be implemented. General expectations include:
 - (1) Where neither the Site Office Manager nor the Deputy has a technical background, the primary compensatory measure is concurrence from a senior Site Office person with technical qualifications that are relevant to the delegated authority.
 - (2) When disagreement on a specific approval exists between the delegated authority and the person designated as a compensatory measure, the NNSA Differing Professional Opinion (DPO) process should be implemented.
 - (3) When agreement cannot be reached at the Site Office level, the Site Office Manager should initiate a DPO proposing the Appropriate Deputy Administrator decide on the action.
 - (4) Where NNSA biennial reviews indicate a need for improvement in the functional area associated with a delegated authority, compensatory measures for the identified issues will be determined on a case-by-case basis.
- C. Site Offices shall ensure the compensatory measures are documented each time the delegated authority is executed and may determine their own methods for documenting the application of the compensatory measure.

Attachment 1

6. SITE CAPABILITY.

- A. The criteria in Section 2.A(3) and 2.A(4) relate to the capabilities of the delegate's Site Office. These criteria shall be addressed in sufficient detail to allow the Deputy Administrator to approve the delegation.
- B. One acceptable method for addressing site capabilities in the Delegation Nomination Forms is to cite the applicable results from the most recent NNSA biennial review of the Site Office performed by the Office of the Chief of Defense Nuclear Safety (CDNS). These reviews include thorough reviews of nuclear safety in the functional areas for startup/restart, integrated safety management, safety basis, and other functional areas supporting facility safety; including an analysis of the sites' capabilities. Documentation requirements for citing the NNSA biennial review results are as follows:

Functional Area Result	Documentation Requirements
Exceeds Expectations	Simple citation of NNSA biennial review result and date of review – no further documentation required.
Meets Expectations	Simple citation of NNSA biennial review result and date of review – no further documentation required.
Needs Improvement	Citation of the NNSA biennial review results and a short narrative describing extent, severity of the noncompliance and status of corrective actions
Does Not Meet Expectations	A thorough discussion of issues identified by the NNSA biennial review and description/discussion of corrective actions, including an analysis of the effectiveness and completion status of corrective actions.

- C. In lieu of using results of the NNSA biennial reviews, sites shall provide adequate documentation to demonstrate the office has adequate capability to support the delegate in the execution of safety authorities.

7. ASSESSMENTS.

- A. The Chief of Defense Nuclear Safety shall perform periodic reviews of Site Offices and Headquarters elements to verify those individuals and their organizations have maintained the necessary capability to carry out assigned safety responsibilities or delegated safety authorities.
- B. The assessments shall be based on the following criteria:
- (1) Individuals, and their organizations to whom safety responsibilities are assigned, possess the necessary qualifications, experience, and expertise to carry out those responsibilities;

Attachment 1

- (2) Organizations with safety responsibilities have the proper processes and procedures to implement the assigned responsibilities; and,
 - (3) Organizations with safety responsibilities have adequate resources, including sufficient staff and funding, to carry out assigned responsibilities.
 - C. Compensatory measures, corrective actions, or rescinding of approvals shall be instituted, as necessary if the necessary capability to carry out assigned safety responsibilities or delegated safety authorities falls below established criteria or is found lacking.
 - D. For NA-10, the Office of Safety (NA-171) shall participate in NNSA biennial reviews of Site Offices to evaluate, among other functional areas, nuclear safety delegations.
 - E. NA-20 will designate an individual to perform this function for NA-20 delegations.
 - F. Sites shall ensure their qualifications, procedures/processes, and capabilities and capacities are maintained so that delegated authorities can be properly carried out. Per DOE O226.1 requirements and other evaluations (e.g. ISMS verifications), sites shall periodically conduct self-assessments of areas related to delegation and shall take appropriate steps to correct any identified issues.
8. DELEGATION OF OTHER SAFETY AUTHORITIES. In addition to the delegations identified in Section 1, the NNSA FRAM and DOE FRAM permit other delegations from Headquarters to the field. When permitted, delegation of responsibilities from DOE directives listed in DOE O 410.1, *Central Technical Authority Responsibilities Regarding Nuclear Safety Requirements*, Attachment 1, shall follow this procedure. It is the responsibility of each Site Office Manager to ensure:
- A. adequate capabilities/capacities are maintained to execute the delegated authority and periodically reviewed;
 - B. re-delegations are documented and made to individuals who meet requirements specified in source directives;
 - C. delegations and re-delegations are maintained with an up-to-date list of delegations.
9. RESCINDING DELEGATIONS.
- A. The delegations are automatically rescinded under the following conditions:
 - (1) The delegate transfers, retires, or otherwise leaves the site/position for which the delegated authority is defined;
 - (2) The delegate fails to maintain required qualifications;
 - (3) The site capability is found to be inadequate to implement the delegated authority; or
 - (4) For Cause.
 - B. In the event that an individual's delegation is rescinded or otherwise invalid and no other

Attachment 1

individual at the site has received the delegated authority, the delegated authority automatically reverts to NA-10/20.

10. MAINTENANCE OF DELEGATION RECORDS.

- A. For NA-10, the Office of Safety (NA-171) shall maintain a delegation database, documenting the delegations covered in Section 1 of this procedure.
- B. NA-20 shall designate an individual to perform this function for NA-20 delegations.
- C. The Site Office Manager shall notify the Assistant Deputy Administrator for Safety and Operations (NA-17) of any changes in delegation status (e.g., reassignment of a delegation, retirement of a delegate, delegate losing qualification status, etc.).

NNSA Delegation Nomination Form

Delegate Name:

Delegate's Site / Position:

Delegations Proposed:

List either entire delegation categories from the procedure or specific delegations requested. Include any restrictions and conditions (e.g., delegate would only approve revisions to AB documents except for extended absences of the Site Office manager). Note if CTA concurrence is required.

Delegate's Education and Experience:

Delegate's Qualification:

State whether delegate is STSM qualified (and re-qualification due date). Include attendance date for Nuclear Executive Leadership Training, if applicable.

Compensatory Measures:

List any compensatory measures, if necessary, and how these compensatory measures will be documented.

Site's Capabilities / Capacity

As discussed in Section 6 of the procedure.

Other Conditions to Justify Delegation:

For use in response to Section 2.D of the procedure, or as necessary for other requests..

Sample NNSA Delegation Nomination Form

Delegate Name:

Mr. Site Office Manager

Delegate's Site / Position:

XXX Site / Site Office Manager

Delegations Proposed:

Authorization Basis (includes approval of Safety Design Strategy (SDS), Conceptual Safety Design Report (CSDR) and Preliminary Safety Design Report (PSDR); approval documentation for the SDS, Conceptual Safety Validation report for the CSDR, and Preliminary Safety Validation report for the PSDR; Preliminary Documented Safety Analyses (DSA), DSA, Technical Safety Requirements, and Unreviewed Safety Question procedures; and Safety Evaluation Reports)

Startup and Restart of Nuclear and non-Nuclear Facilities including Accelerators and nuclear explosive operations (includes restart authority for Hazard Category 2 & 3 nuclear facilities and High Hazard non-nuclear facilities; startup authority for Hazard Category 3 nuclear facilities and High Hazard non-nuclear facilities; startup authority for new Hazard Category 2 facilities with a total project cost of less than \$200 million¹)

Nuclear Safety Delegation Procedure, Section 8 example:

Approval of Radiation Protection Programs as required by 10 CFR 835

Delegate's Education and Experience:

B.S. Chemical Engineering, XXX University

M.S. Nuclear Engineering, YYY State University

20 years of experience in commercial nuclear power and DOE nuclear facilities, including 6 years as Assistant Manager for Operations at ZZZ site, qualified reactor operator at AAAA nuclear power plant.

Delegate's Qualification:

STSM qualified on 7/6/08; re-qualification date 7/6/11

Attended Nuclear Executive Leadership Training May 5, 2008.

Compensatory Measures:

No compensatory measure needed.

¹ Startup authority for new Hazard Category 2 facilities with a total project cost of less than \$200 million can be delegated from NA-10 on a case-by-case basis and per conditions in the Nuclear Safety Delegation Procedure, Section 4.

Appendix A: NNSA Delegation Nomination Form

Site's Capabilities / Capacity

Adequate site capabilities and capacities exist and were evidenced in the NNSA biennial review conducted in December 2007. The following are the results from the review:

Functional Area	Grade	Comments
Safety Basis	Meets Expectations	Demonstrates sites capability/capacity for authorization basis delegations
ISMS1/2	Exceeds Expectations	Demonstrates sites capability/capacity for approving ISMS and recommending requirements for inclusion in the contract
Startup/Restart	Needs Improvement	The review identified that the restart procedure did not meet the requirements of DOE O425.1C. Procedure has been revised to incorporate all requirements of DOE O425.1C.
Rad Protection	Exceeds Expectations	Demonstrates sites capability/capacity for delegation to approve radiation protection program per 10 CFR 835
QA	Meets Expectations	Demonstrates sites capability/capacity for delegation to approve QA program.

Other Conditions to Justify Delegation: None

Appendix A: NNSA Delegation Nomination Form

Sample Delegation Form 2 – Re-delegation

Delegate Name:

Ms. Assistant Manager for Nuclear Safety

Delegate’s Site / Position:

XXX Site / Assistant Manager for Nuclear Safety

Delegations Proposed:

*Authorization Basis - will approve changes to approved Documented Safety Analyses (DSA) and Unreviewed Safety Question (USQ) procedures. During site office manager extended absence will include approval of DSA and Technical Safety Requirements and preparation of Safety Evaluation Reports; approval of USQ procedures; approval of preliminary DSA for Critical Decisions). **CTA concurrence of this re-delegation is required.***

Approval of Radiation Protection Programs as required by 10 CFR 835 - Based on her experience described below, Ms. Assistant will be re-delegated the authority to approve the Radiation Protection Program (NA-10 approval not required, this is included for tracking purposes).

Delegate’s Education and Experience:

B.S. Nuclear Engineering, XXX University

M.S. Nuclear Engineering, YYY State University

30 years of experience in commercial nuclear power and DOE nuclear facilities, including 10 years as Assistant Manager for Radiological Control at XXX naval shipyard and 12 years as assistant manager for nuclear safety at ZZZ site.

Delegate’s Qualification:

STSM qualified on 7/6/08; re-qualification date 7/6/11

Scheduled to attend Nuclear Executive Leadership Training August 5, 2009.

Compensatory Measures: NA.

Site’s Capabilities / Capacity

Adequate site capabilities and capacities exist and were evidenced in the NNSA biennial review conducted in December 2007. The following are the results from the review:

Functional Area	Grade	Comments
Safety Basis	Meets Expectations	Demonstrates sites capability/capacity for authorization basis delegations
Rad Protection	Exceeds Expectations	Demonstrates sites capability/capacity for rad protection delegations

Other Conditions to Justify Delegation: None




Appendix B
Department of Energy
National Nuclear Security Administration
Washington, DC 20585

April 20, 2005

OFFICE OF THE ADMINISTRATOR

MEMORANDUM FOR PRINCIPAL DEPUTY ADMINISTRATOR
DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS

FROM: Linton F. Brooks
Administrator 

SUBJECT: **ACTION:** DELEGATION OF AUTHORITY FOR
ORDER 425.1C, STARTUP AND RESTART OF
NUCLEAR FACILITIES

The authorization authority for startup of new National Nuclear Security Administration (NNSA) Hazard Category II nuclear facilities in accordance with Department of Energy (DOE) Order 425.1C, *Startup and Restart of Nuclear Facilities* was delegated to me from the Secretary in the attached memorandum dated February 15, 2005. I hereby delegate my authorization authority for the startup of new NNSA Category II nuclear facilities with a total project cost greater than \$200 million to the Principal Deputy Administrator.

I hereby delegate my authorization authority for the startup of all other new Defense Programs (NA-10) Hazard Category II nuclear facilities to the Deputy Administrator for Defense Programs. Any further delegation of the Deputy Administrator for Defense Programs' authorization authority to Site Office Managers must be consistent with the criteria described below and the DOE plan for implementing the Defense Nuclear Facilities Safety Board Recommendation 2004-1, *Oversight of Complex, High-Hazard, Nuclear Operations*. Additionally, any re-delegation must meet the requirements for delegation specified in DOE M 411.1-1C, and you must ensure that the intended delegate has adequate capability to execute the authorization authority function.

The Chief of Defense Nuclear Safety will review all NNSA Startup Notification Reports on behalf of the NNSA Central Technical Authority to ensure appropriate application of DOE Order 425.1C and this memorandum.

Re-Delegation Criteria:

The Deputy Administrator for Defense Programs is authorized to re-delegate the authorization authority for startup of new Defense Programs Hazard Category II nuclear facilities to the appropriate Site Office Manager (not to be delegated further) if the new facility is similar to other facilities already authorized to operate under the control and



Printed with soy ink on recycled paper

oversight of the Site Office Manager. Specifically, re-delegation to the Site Office Manager is permitted and encouraged when the following conditions are satisfied:

- The processes employed in the new facility are not significantly different than those in other facilities at the site that are currently authorized to operate.
- The hazards posed by activities in the new facility are not significantly different than the hazards posed by activities in other facilities at the site that are currently authorized to operate.
- The safety systems and controls, including administrative controls, cited in the Documented Safety Analysis for the new facility are not significantly different from the safety systems and controls cited in the Documented Safety Analysis for other facilities at the site that are currently authorized to operate.

Attachment



Appendix B

The Secretary of Energy
Washington, DC 20585

February 15, 2005

MEMORANDUM FOR ADMINISTRATOR, NATIONAL NUCLEAR
SECURITY ADMINISTRATION

FROM:

SAMUEL W. BODMAN

A handwritten signature in black ink that reads "Samuel W. Bodman".

SUBJECT:

Delegation of Authority for DOE Order 425.1C, *Startup
and Restart of Nuclear Facilities*

I hereby delegate my authority for the startup and restart of the National Nuclear Security Administration's nuclear facilities in accordance with DOE Order 425.1C, *Startup and Restart of Nuclear Facilities*, to the Administrator for the National Nuclear Security Administration.



Printed on recycled paper



Attachment 2

**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

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.