

U.S. Department of Energy

Oak Ridge Operations

ORDER

ORO O 250
Chapter VI

DATE: 9-30-96

SUBJECT: IMPLEMENTATION AND CORRECTIVE ACTION PLANS

1. PURPOSE. This Chapter assigns responsibility and accountability and provides administrative and contractual guidance to Oak Ridge Operations (ORO) and its contractors on the preparation, review, approval, and maintenance of the following types of documents:

- DOE Nuclear Safety Rule implementation plans
- DOE Order implementation plans
- Implementation/Corrective Action Plans (ICAP) to address (a) new and revised requirements in Standards/Requirements Identification Documents (S/RID) and Work Smart Standards (WSS) documents, (b) environment, safety, and health (ES&H) and related requirements, and (c) requests for DOE Nuclear Safety Rule and DOE Order exemptions.

Nothing in this issuance changes any requirements contained in any DOE Order.

2. CANCELLATION. This Chapter cancels and replaces ORIG 1300.X1A, OAK RIDGE OPERATIONS STANDARDS MANAGEMENT PROGRAM, Attachment B, Chapters 5, 8, and 9, dated July 26, 1996.
3. APPLICABILITY. The provisions of this Chapter apply to ORO Principal Staff and to contractors required to prepare such planning documents either by contract or by DOE Nuclear Safety Rule.
4. RESPONSIBILITIES.
 - a. Manager.
 - (1) Approves DOE Nuclear Safety Rule implementation plans for which he has been delegated approval authority by the cognizant Secretarial Officer (CSO), and concurs in other DOE Nuclear Safety Rule implementation plans.
 - (2) Concurs with DOE Nuclear Safety Rule exemption requests before submission to Headquarters for formal approval.
 - (3) Approves or disapproves DOE Order exemption requests within his authority, and concurs in requests that must be approved by Headquarters.
 - b. Principal Staff review and concur in all plans and exemption requests for functional areas and contractors under their authority.

- c. Enforcement Group reviews DOE Nuclear Safety Rule implementation plans and exemption requests from an enforceability standpoint.
- d. Contracting Officers' Representatives (COR):
 - (1) Approve ICAP covering S/RID and WSS documents. If an ICAP is applicable across program lines, all affected COR must sign off on the ICAP.
 - (2) Approve ICAP closures.
- e. Leader, Directives Management Group (DMG).
 - (1) Provides advice and assistance on the requirements of this Chapter.
 - (2) Serves as the formal point of receipt for all plans and exemption requests prepared under this Chapter and coordinates review and approval.
 - (3) Prepares forwarding memoranda, as appropriate, for the Manager's signature for exemption requests and ICAP.
 - (4) Notifies the originator of approvals.

5. REQUIREMENTS AND PROCEDURES.

- a. DOE Nuclear Safety Rule Implementation Plans and Exemption Requests.
 - (1) Points of Contact. The DMG is the overall Price-Anderson Amendments Act Coordinator for ORO implementation planning activities and serves as the central point of contact to Headquarters for each DOE Nuclear Safety Rule implementation plan. The DMG is the primary interface with contractors for all activities associated with development, submittal, review, and approval of DOE Nuclear Safety Rule implementation plans. There is also an ORO technical point of contact who is the review team leader.
 - (2) Development and Submission. Many of the DOE Nuclear Safety Rules require the development of implementation plans by contractors. The following process is applicable for all contractors covered by the individual DOE Nuclear Safety Rules. Submission dates are generally specified in the DOE Nuclear Safety Rule and must be met unless an exemption request is submitted asking for additional time. All plans and exemption requests must be submitted to the DMG, with a copy to the appropriate COR.
 - (3) Content and Format of DOE Nuclear Safety Rule Implementation Plans. DOE-STD-1082-94, PREPARATION, REVIEW, AND APPROVAL OF IMPLEMENTATION PLANS FOR NUCLEAR SAFETY REQUIREMENTS, contains nonmandatory guidance on the content and format of implementation plans. It is vital for ORO and the contractor to work

together on the implementation plans to help avoid rejection or significant changes during the review and approval cycle.

- (4) Content and Format of DOE Nuclear Safety Rule Exemption Requests. Title 10 CFR 820 contains requirements for DOE Nuclear Safety Rule exemptions. In addition, DOE-STD-1083-95, REQUESTING AND GRANTING EXEMPTIONS TO NUCLEAR SAFETY RULES, contains nonmandatory guidance on content and format of exemption requests.
 - (5) Review and Approval Protocol. DOE-STD-1082-94 and DOE-STD-1083-95 contain guidance on review and approval of implementation plans and exemptions requests. Additional information on the process followed in Oak Ridge is given below.
 - (a) Review Teams. The DMG requests the assignment of review team members from the Divisions of Primary Interest (DPI), COR, and Headquarters program offices. The member from the DPI usually serves as the review team leader and is responsible for coordinating the review team's activities, planning the review, and ensuring that the review team's report is completed in time for plan approval by the date specified in the DOE Nuclear Safety Rule.
 - (b) Enforcement Review. ORO's Enforcement Group performs a concurrent review of DOE Nuclear Safety Rule implementation plans and exemption requests from an enforceability standpoint. The DMG provides the Enforcement Group with a copy of the document and a Comment/Concurrence Form. If Enforcement has comments, the DMG transmits these to the review team leader. The review team leader coordinates with Enforcement and the contractor to resolve the differences.
 - (c) Review Team Support. The DMG provides administrative support to the review team as requested by the team leader. This support may include correspondence preparation, training, reproduction, etc. When the review team report is complete, the team leader shall provide it to the DMG for coordination through the approval process.
 - (d) Distribution of Copies of Final Implementation Plans and Approved Exemption Requests. The DMG distributes approval memoranda, copies of the review team reports, and approved plans and exemption requests to the contractor, the DOE Docketing Clerk, and the appropriate CSO (if ORO has approval authority). In addition, the DMG retains official file copies of implementation plans and exemption requests for ORO.
- b. DOE Order Implementation Plans and Exemption Requests.
- (1) When Required. Exemption requests must be prepared for any requirements from DOE directives applicable to Federal activities or included in a contractor's directives appendix. Implementation plans are required under the following conditions:
 - (a) Lockheed Martin Energy Systems (LMES), Lockheed Martin Energy Research (LMER), and Oak Ridge Associated Universities (ORAU) prepare implementation plans when the

contractor cannot fully implement the requirements of a new or revised DOE directive included in the contract appendix within existing funds and within six months from the date the directive was formally transmitted. This requirement applies to LMES and LMER for non-ES&H directives only.

- (b) Plans may be required from other contractors if a directive applicable to that contract requires such a plan.
 - (c) ORO may be required by a directive to prepare an implementation plan. Typically the DPI has primary responsibility for preparing the plan and for coordinating the plan with all involved ORO organizations. The plan must conform to the minimum content requirements described in subparagraph 5b(2) below, as well as any specific requirements in the directive for which the plan is being prepared. DOE-STD-1082-94, PREPARATION, REVIEW, AND APPROVAL OF IMPLEMENTATION PLANS FOR NUCLEAR SAFETY REQUIREMENTS, may also be used as guidance. Copies of the final plans shall be sent to the DMG for the files.
- (2) Order Implementation Plan Contents. Contractor implementation plans must contain the following information. Descriptions of each element are provided in subparagraph 5c(3) below. The plan must include a statement that all other applicable requirements in the directive are fully implemented.

It must include brief justification for any requirements considered to be nonapplicable. If the plan is required by a particular directive, that directive may require other information and may specify a prescribed format.

- Date of Submission
 - Applicability
 - Identify Requirements Not Fully Implemented
 - Description of the Noncompliance(s)
 - Implementation Assumptions
 - Exemptions
 - Compensatory Measures
 - Risk of Not Implementing Immediately
 - Actions Needed to Implement
 - Additional Resources Needed
 - Justification for Approval or Continued Operation
 - List of Attachments
 - Contractor Approvals
 - Contact
- (3) Exemption Request Contents. DOE M 251.1, DIRECTIVES SYSTEM MANUAL, contains information on content, approval levels, and mandatory notification requirements for DOE Order exemption requests.

NOTE: Exemption requests are not prepared for DOE Order requirements contained in an S/RID or WSS document.

- (4) DOE Order Implementation Plan Review and Approval Cycle. The contractor need not wait for formal DOE approval and should begin working the funded portions of an implementation plan as soon as it is submitted. If questions arise or there is a need for direction on specific implementation actions before DOE approval is granted, submit these issues to the COR. ORO uses the following process for review and approval:
- (a) The contractor submits the implementation plan to the DMG with a copy to the appropriate COR(s).
 - (b) The DMG refers the plan to the appropriate DPI(s) and COR(s) (and others as appropriate) for review and comment.
 - (c) Commenters review the implementation plan and respond by the target date requested by the DMG. Commenters are encouraged to work with the contractor to resolve issues, but all formal requests for changes to the implementation plan must go through the DMG.
 - (d) The DMG compiles all comments into a draft rejection or approval letter, as appropriate. If necessary, the DMG obtains clarification on comments from the originator. The DMG transmits the draft letter to the commenters for concurrence. If changes are requested by any party, the draft letter stage is repeated until all parties concur with the letter.
 - (e) If ORO has approval authority, the DMG transmits a formal letter of rejection or approval to the appropriate contractor management. If the plan is rejected, the letter indicates the reasons for rejection and includes a date for receipt of the revised plan. A revised plan is put through the same review and approval steps as the original plan.
- NOTE: If ORO is the approval authority for the plan, the plan is automatically approved if ORO does not respond to the contractor within six months from the date the plan is received by the DMG. In addition, if a COR or DPI fails to respond to the DMG within this six-months time frame, the DMG proceeds with ORO's response to the contractor without that organization's input.
- (f) If the plan requires Headquarters approval, the DMG prepares the transmittal letter to Headquarters and obtains appropriate concurrences.
 - (g) The DMG tracks the approval status of the implementation plans and informs the contractor when plans are approved or rejected.
- (5) Review and Approval of DOE Order Exemption Requests. Exemption requests are processed as described above for DOE Order implementation plans, except there are no automatic approvals. After concurrence by the appropriate organizations, the DMG forwards the request to the proper approval authorities for action.

- (6) Revising DOE Order Implementation Plans. Implementation plans should be revised as necessary to address significant noncompliances identified during assessments. If the implementation plan has been completed and therefore closed, prepare an ICAP in accordance with subparagraph 5c below.

Contractor implementation plan revisions directed by DOE must be submitted by the date specified in the DMG's letter to the contractor, or the contractor must formally request an extension from the DMG.

- (7) Closing DOE Order Implementation Plans. Contractors send a letter to the DMG requesting closure and stating that the corrective actions in the implementation plan have been completed. Note any ongoing activities in the letter. The DMG coordinates approval of the closure with the appropriate DPI(s) and COR(s).

c. Implementation/Corrective Action Plans.

(1) When Required.

- (a) Federal. ORO prepares ICAP for Federal ES&H and related noncompliances that cannot be corrected within 120 days and if the risk is judged to be significant. The 120-day period is measured from the time management acknowledges the noncompliance. See ORO O 220, Chapter VIII, ENVIRONMENT, SAFETY, HEALTH, AND QUALITY ASSESSMENT PROGRAM, for further information on when an ICAP is required.

- (b) Contractors. Contractors prepare ICAP in the following situations:

- 1 When the contractor cannot fully implement new or revised requirements within existing funds and within six months from the date the requirement(s) was approved for inclusion in an S/RID or WSS document.
- 2 When a significant noncompliance is identified with an ES&H or related requirement.

NOTE: Transition Guidance -- After the WSS document is developed using the Necessary and Sufficient Process, the contractor must review all open DOE Order implementation plans and Requests for [DOE] Approval with uncompleted action items. This review determines if any planned corrective actions should be revised or dropped because the requirement(s) is no longer in the WSS document or has been rewritten in such a way as to change the corrective action needed to bring the contractor into compliance. Within three months of approval of the WSS document, the contractor must notify the DMG in writing, with a copy to the COR, which items remain open and which are closed or revised. It is not necessary to rewrite the information in ICAP format.

- (2) ORO Process for Preparing ICAP Covering Federal Noncompliances.
- (a) ICAP Analysis Process. After a noncompliance is identified and acknowledged by management, the COR assessor, in conjunction with the DPI assessor, makes an initial determination of whether an ICAP should be prepared. In making this determination, the timing for corrective actions, the reasons behind the noncompliance, and the associated risk must be considered. At the conclusion of this analysis, the assessors contact the DMG for an ICAP control number for each expected ICAP.
 - (b) Preparer of the Request. The organization with the greatest responsibility for correcting the noncompliance should prepare the ICAP. Generally, this is the organization assigned responsibility for a particular action.
 - (c) Preparation of the ICAP. The preparer obtains input from affected functional and programmatic groups and organizations to ensure that the analysis, corrective actions, and compensatory measures, if necessary, are coordinated and represent the most effective solution.
 - (d) Security Considerations. Before processing any ICAP (draft or otherwise) that may contain classified information, Unclassified Controlled Nuclear Information (UCNI), or Export Controlled Information (ECI), the preparer forwards the ICAP to an authorized derivative classifier, an UCNI Reviewing Official, or local authority on ECI, as appropriate, for review and marking.
 - (e) Signatures. ORO ICAP signatures should include the following:
 - Preparer
 - Derivative classifier reviewer, UCNI reviewer, or local ECI authority if the ICAP might contain classified or controlled information
 - DPI Director
 - Appropriate COR(s) with responsibility for the ICAP
 - Concurrences from other organizations if so requested
- (3) ICAP Requirements. An ICAP must contain the following information. Contractors may submit printouts from internal tracking/trending systems (e.g., ESAMS) in lieu of a standard ICAP if all the required elements of the ICAP are included. If a particular heading is not applicable to a specific situation, enter "Not Applicable" or "None."
- (a) General. Limit an ICAP to requirements that can be fixed by the same corrective action(s) or when the corrective actions are closely related and should not be performed independently.
 - (b) Date of Submission. Self-explanatory.

- (c) ICAP Identifier. Request number that contains a site identifier, an identifier for the source document for the requirement, and a sequential number for the number of ICAP submitted (e.g., Y-12-DOE-420.1-ICAP-120). Revisions to an ICAP are identified with a revision letter (e.g., Y-12-DOE-420.1-ICAP-120A).
- (d) Applicability. The ICAP must clearly identify which site, organization, activities, or facility(ies) are covered.
- (e) Identify Requirements Not Fully Implemented. Identify the requirement(s) that is not fully implemented by source document, paragraph, and section number. If the requirement is included in an S/RID or WSS document, identify its location within the document.
- (f) Description of the Noncompliance(s). Discuss the nature and degree of the noncompliance. For example, if the requirement is partially implemented, discuss what is in place and what is not. Identify the major systems or activities affected. If the problem is complex, summarize it in the first paragraph and provide additional detail in subsequent paragraphs. The discussion must be sufficient to enable reviewers to draw conclusions on the degree of risk resulting from nonimplementation, the appropriateness of the action steps, and the reasonableness of the resource estimates. State whether an occurrence report on the noncompliance has been submitted to DOE.
- (g) Implementation Assumptions. Describe basic implementation assumptions, such as clarification regarding methods for determining applicability, interpretations used in determining compliance status and implementation planning, etc. If this information is contained in the Assumptions field of an approved S/RID or WSS document, it may be referenced and not repeated in the ICAP.

For organizations that have not developed an S/RID or WSS document, clearly identify any conflicting requirements within the directive or with other directives by directive number, chapter, paragraph, etc. Provide justification for the decision on which requirement will be implemented.

- (h) Compensatory Measures. If compensatory measures are deemed necessary to offset increased ES&H risks associated with the noncompliance, include a description of those measures and a schedule for implementing them. Summarize the compensatory measures in the first paragraph, followed by a more detailed description and explanation in subsequent paragraphs. Clearly indicate what measures are in place, which will be implemented before DOE approval, and which will be implemented only after DOE approval. Distinguish between measures that were in place before discovery of the noncompliance and measures put into place because of the noncompliance. Provide a schedule with dates for initiation, duration, and completion of measures that are not fully in place.

If compensatory measures are not required, so state. Provide an explanation for this conclusion that is related to the discussion of increased risk under the next heading. Some examples of situations where compensatory measures may not be needed are:

- The noncompliance has no direct or immediate impact on worker or public health or safety or protection of the environment.
 - The probability or the consequences of an accident that would be prevented by compliance with the requirement are negligible during the time the corrective actions are being implemented (e.g., operations are shut down).
- (i) Risk of Not Implementing Immediately. Discuss any ES&H, security, quality assurance, or other concerns created by the delay in implementation of the requirement. Provide a full description of how the existing or planned compensatory measures reduce the risk. If there is little or no risk associated with the noncompliance, provide a sound, reasoned justification for that statement.

NOTE: Do not skimp on this section. Failure to fully discuss the risks is the most common cause for rejection of an ICAP.

- (j) Actions Needed to Implement. Identify the specific actions needed to fully implement the requirement. Include the submission of budget requests as an action where appropriate. Identify the organization responsible for implementing each action and provide milestones and schedules. If implementation is expected to take many months and multiple years, provide interim as well as ending milestones. The interim milestones give the contractor and ORO a basis for assessing performance in complying with the longer term requirements.

Duration schedules rather than fixed dates may be provided for items that need additional resources or that are dependent on completion of other actions (e.g., six months from receipt of funding or two months from completion of Phase II of the Safety Analysis Report). Fixed date schedules must be provided for actions with sufficient resources that are not dependent on other actions. A sample format is provided below.

<u>Activity</u>	<u>Responsibility</u>	<u>Start/End</u>
Revise SPP-XXX to include inspection of fire dampers	Fire Protection Div.	Start 1/15/96 End 4/31/96

When appropriate, provide attachments containing drawings, plans, calculations, procedures, test results, relevant history of the system, and any other supporting information.

(k) Additional Resources Needed. If no additional resources are needed, the ICAP must so state. The resource impacts of the corrective actions must be broken out by:

- Organization or Business Unit, if applicable (for LMES only);
- What is funded and what is not (by program/funding source);
- Whether or not the resources are included in the ES&H 5-Year Plan (for LMES and LMER only); and
- Whether any of the needed funds are included in an approved budget request.

Budget requests must be submitted for all unfunded actions included in an approved ICAP. If the budget request is denied and the ICAP relates to implementation of an S/RID or WSS requirement, revise the ICAP to so state and describe whether funding will be requested the following year or if an alternate corrective action is planned. If corrective actions are to be completed by reallocating amounts already funded, describe what other scheduled activities will not be completed because of the reallocation. Management must approve any reallocation of existing funds. If the actions in another ICAP are or will be affected, identify the ICAP and attach a copy.

(l) Justification for Approval or Continued Operation. Referring to specific activities, explain why it is acceptable to continue operating while in noncompliance with the requirement(s). If appropriate, discuss how the existing or planned compensatory measures contribute to this conclusion. Describe the nature and results of any tests or analyses conducted to support these conclusions.

The justification for approval may refer to any type of net benefit arising from the approval, including avoidance of costs, reduction in risk to workers and the public, improved operational efficiency, etc. Discuss other factors or risks associated with approval or disapproval, such as exposure to possible legal action during the period of noncompliance.

(m) List of Attachments. Self-explanatory.

(n) Approvals. Provide the internal contractor approval sheet that shows that the ICAP has received internal review and approval before submission to ORO.

(o) Contact. Include a contact name and telephone number for a person or persons who can answer detailed technical questions about the ICAP.

(4) ICAP Review and Approval Cycle.

(a) Contractor ICAP. The contractor need not wait for DOE approval and should begin working the funded portions of an ICAP as soon as it is submitted. If questions arise or if

there is a need for direction on specific actions before DOE approval is granted, the contractor submits these issues to the COR. Following is the review and approval process.

- 1 The contractor obtains internal review and approval through the process defined in its procedures, then submits the ICAP to the appropriate COR with a copy to the DMG.
- 2 The DMG reviews the ICAP for completeness and consistency with requirements. The DMG logs the ICAP in the ICAP tracking system and notifies the COR and contractor if the ICAP is incomplete. The DMG forwards a copy of the ICAP to the DPI, who may elect to review it and provide comments to the COR.
- 3 The COR performs its own internal review, which may include securing facility representative signatures and performing verification of compensatory measures. If signatures in addition to the COR are required by internal review procedures, they should be included on an internally generated signature form. This review should be complete within 30 days from receipt of the ICAP.
- 4 When compensatory measures are identified in an ICAP, the COR assessor shall pay particular attention to adequacy. The COR may elect to verify that the compensatory measures are in place. If so, the COR, with the DPI's assistance if requested, plans and conducts verification actions, documents the review, and provides a copy to the DMG.
- 5 After approving the ICAP, the COR forwards it and a signed approval sheet to the DMG. The COR may request review and concurrence from other organizations (such as the DPI or Office of Chief Counsel).
- 6 The DMG forwards the ICAP through any remaining approval levels.

NOTE: The COR may elect to route the ICAP through the remaining approval levels. If so, the COR must notify the DMG of this procedural change and ensure that the DMG receives a copy of the approved ICAP and associated signature form(s).

- 7 If a reviewer requests revisions, the DMG forwards comments and requested revisions back to the COR for coordination with the contractor.

(b) Federally Prepared ICAP.

- 1 The preparer signs the ICAP, obtains initial concurrence from the Division Director or the COR if the COR's organization developed it, and forwards the ICAP to the DMG.
- 2 The DMG reviews the ICAP for completeness and consistency with requirements. The DMG logs the ICAP in the tracking system and forwards it to the appropriate organizations for review, concurrence, and approval. As a minimum, ICAP must be coordinated with appropriate COR and the DPI.

statement must describe substantive differences in the corrective actions taken, if any, from the actions described in the ICAP. Updated assessment data for corrected noncompliances must be submitted as part of the closure package.

- 2 If compliance is achieved prior to submission of the ICAP, the closure statement shall describe the noncompliance, list the corrective actions, and state that compliance has been achieved. Updated assessment data must also be submitted. The closure statement shall be submitted in place of the ICAP. The closure statement, in the form of a letter or memorandum, shall be signed by the highest level of management required to sign and submit the ICAP.
- 3 Contractors submit ICAP closure packages to the COR with a copy to the DMG.
- 4 Federal personnel submit closure packages to the DMG.
- 5 After the COR approves the contractor's closure package, either the DMG or COR notifies the contractor (depending upon the agreed upon procedure).

(c) Verification and Tracking.

- 1 For ORO ICAP, verification shall be in the form of new assessment forms prepared in accordance with Chapter VII of this Order.
- 2 The COR approves contractor closure statements and shall pay particular attention to ICAP with compensatory measures. The COR may elect to verify the contents of the contractor's closure statement and updated assessment data.
- 3 The DMG updates the ICAP tracking database and retains copies of approved ICAP closures and updated assessments.

6. REFERENCES.

- a. DOE-STD-1082-94, PREPARATION, REVIEW, AND APPROVAL OF IMPLEMENTATION PLANS FOR NUCLEAR SAFETY REQUIREMENTS, dated October 1994, which contains nonmandatory guidance on the content and format of DOE Nuclear Safety Rule implementation plans.
- b. DOE-STD-1083-95, REQUESTING AND GRANTING EXEMPTIONS TO NUCLEAR SAFETY RULES, dated February 1995, which contains nonmandatory guidance on requesting exemptions from DOE Nuclear Safety Rule requirements.
- c. ORO O 220, Chapter VIII, ENVIRONMENT, SAFETY, HEALTH, AND QUALITY ASSESSMENT PROGRAM, dated May 31, 1996, which contains information on when ICAP addressing identified noncompliances are required.

7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Chapter.
9. ATTACHMENTS.

Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

1. Contractors that are covered by DOE Nuclear Safety Rules must prepare and maintain implementation plans that meet the requirements of paragraph 5a of this Chapter.
2. LMES, LMER, and ORAU are required to prepare implementation plans for DOE Orders contained in their contract appendix. These plans must meet the requirements of paragraph 5b of this Chapter.
3. LMES and LMER are required to prepare and maintain ICAP in accordance with subparagraph 5c of this Chapter. ICAP must meet the requirements of subparagraph 5c(3) of this Chapter.