



**PILOT PROGRAM ON
EXTERNAL REGULATION
OF DEPARTMENT OF ENERGY
NUCLEAR FACILITIES**

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CHRONOLOGY: NRC

- \$ **1993 - Secretary O'Leary announces intent to seek external regulation of nuclear facilities**
- \$ **1994 - Proposed Congressional legislation calling for an end to DOE's self-regulation of nuclear safety introduced**
- \$ **1995 - Advisory Committee on External Regulation recommends that all aspects of DOE nuclear safety be externally regulated**
- \$ **12/96 - Secretary O'Leary announces intent to submit legislation to transfer oversight of nuclear safety to NRC and recommends a 10-year transition**
- \$ **11/97 - Secretary Peña and Chairman of NRC agree to pursue NRC external regulation of DOE on pilot basis; MOU signed November 21, 1997**
- \$ **10/98 - Congress requires DOE to include OSHA and "all appropriate State and local entities" in pilots**



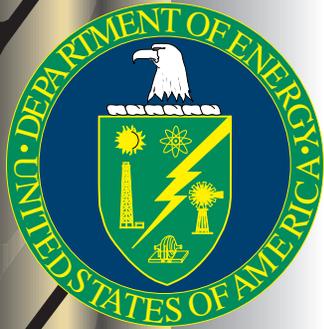
CHRONOLOGY: OSHA

- \$ 1993 - Secretary O'Leary announces intent to seek external regulation of worker safety and health by OSHA**
- \$ 1995 - MOU, DOE/OSHA effective June 19, 1995, establishes transition activities**
- \$ 1995 - Advisory Committee on External Regulation recommends OSHA regulate worker safety and health**
- \$ 1996 - OSHA Pilot at Argonne National Laboratory**
- \$ 1998 - OSHA agrees to second OSHA pilot at Oak Ridge and provides coordination visits to NRC pilots at Oak Ridge and Savannah River**
- \$ 10/98 - Congress requires DOE to include OSHA and "all appropriate State and local entities" in pilots**



PURPOSE OF NRC PILOT PROGRAM

- \$ To help both agencies gain experience related to NRC regulation of DOE facilities**
- \$ To develop actual information on costs and benefits of external regulation**
- \$ To support joint recommendation by DOE and NRC to Congress on whether NRC should be given authority to regulate nuclear safety at DOE nuclear facilities**



STRATEGY FOR PILOT PROGRAM

\$ Three-pronged approach:

- Pilot facilities/sites**
- Generic policy issues**
- Lessons-learned from on-going licensing actions**



SCOPE OF MOU AGREEMENT

- \$ Non-Defense Programs facilities & operations**
- \$ 6 to 10 pilots over two years (FY 1998-1999)**
- \$ Simulated regulation of nuclear safety, worker radiation protection and occupational safety and health**

Additional Congressional mandate: State and local regulatory options to be evaluated



PILOT SITES

- \$ OSHA Argonne National Laboratory **Winter 1996**
- \$ Lawrence Berkeley National Laboratory- (NRC) **Fall 1997**
- \$ Radiochemical Engineering Development Center (Oak Ridge National Laboratory - NRC) **Spring 1998**
- \$ OSHA (Oak Ridge - ORNL/ETTP) Pilot **Summer 1998**
- \$ Receiving Basin for Offsite Fuel (Savannah River - NRC) **Summer 1998**
- \$ Pacific Northwest National Laboratory **Winter 1998**
- \$ Accelerator Laboratory (e.g., BNL or ANL) **Spring 1999**



NEW CONGRESSIONAL MANDATE

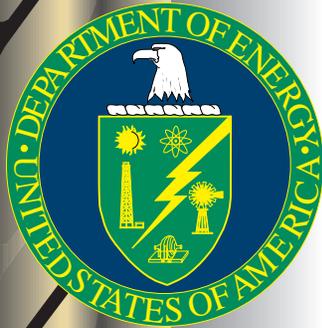
\$ Energy and Water Development Appropriations conference report brings new direction to pilot program:

- Pilots to include NRC, OSHA, and appropriate State and local entities**
- Address all issues involving OSHA and State and local regulation of worker safety at Lawrence Berkeley National Laboratory by March 31, 1999**
- Initiate a pilot program at multi-program non-defense laboratory (e.g., Argonne National Laboratory or Brookhaven National Laboratory)**
- No pilots will be conducted at weapons sites**



RESPONSE TO CONGRESSIONAL MANDATE

- \$ Expand Lawrence Berkeley National Lab Pilot
(March 99)**
- \$ Expand Pacific Northwest National Lab Pilot
(Winter 98)**
- \$ Add either Argonne National Laboratory or
Brookhaven National Laboratory for a 1999 Pilot**
- \$ Review State and other regulatory options**



RESPONSE TO GAO REPORT

- \$ In May 1998 GAO recommended DOE clarify its position and develop a strategy on external regulation**
- \$ In response, DOE reiterated the commitment to pursue external regulation through the pilot program**
- \$ DOE will select more difficult and complex sites after consultation with Congress**



EMERGING ISSUES

Regulatory Jurisdiction is Unclear

- \$ Who should administer NEPA at DOE sites?**
- \$ Who should provide Price-Anderson Indemnification?**
- \$ Who should regulate accelerators?**
- \$ Should states regulate DOE for safety and health?**
- \$ Who should regulate occupational radiation protection?**
- \$ Who should hold the NRC license: DOE, contractor, both?**



EMERGING ISSUE

Regulatory Framework Must Fit

- \$ Configuration control, procedures**
- \$ Decontamination and Decommissioning (D&D)**
- \$ Co-located Workers**
- \$ Criticality Safety**
- \$ Material Control and Accountability**



EMERGING ISSUE

Transitional Costs Likely to Vary Widely
What is Cost Effective?

- \$ Pre-licensing compliance upgrades and facility backfits potential cost drivers C transition considerations crucial**
- \$ D&D represents "outlier" for all sites if NRC regulated C some accomodation needed**
- \$ Regulatory transactional costs uncertain C experience suggests additional near-term DOE/contractor resources may be required if regulated**