

ATTACHMENT

Recommendation No. 2008-2

by the Waste Management Committee and the Environmental Monitoring, Remediation and Surveillance Committee

Recommendation to DOE for Organization and Training for LANL to Enhance the Regulatory Interface

Recommendation

1. The NNM CAB recommends that DOE support and encourage LANL Environmental Restoration Division management to evaluate the merits in establishing a Regulatory Affairs Function whose mission includes:
 - a. Ensure an independent but supportive relationship exists with NMED and other regulatory agencies;
 - b. Ensure that a clear formal line of communication exists with NMED for any commitments or scope changes and that these are documented and if accepted at the appropriate management levels, are evaluated for resource impacts;
 - c. Ensure that documentation to be submitted to NMED, including letters, is reviewed for appropriate regulatory compliance and clarity;
 - d. Coordinate licensing related milestones and submittals within LANL environmental projects and create the open interfaces with NMED to achieve a high success rate of document acceptance;
 - e. Be responsible for licensing milestone schedules which coordinate with project management schedules;
 - f. Work with other technical LANL staff to ensure understanding and compliance with Consent Order requirements.
2. The NNM CAB recommends that DOE encourage LANL management to evaluate the benefits of formal training for the Regulatory function personnel in effective communications and interfaces with regulators (especially NMED). Regulatory specialists could then perform limited in-house training of the technical project staff. Examples of this training can be found from consultants who work with both DOE and the commercial nuclear industry or from the Nuclear Energy Institute (NEI).

Response

The LANL Environmental Programs Directorate evaluated the need for a regulatory affairs function and has hired two additional employees in the directorate office to manage regulatory interactions. Both employees have many years of formal interactions with NMED—in fact, one employee was formerly employed by NMED requirement. Their work scope includes the items listed in the CAB's recommendation.

LANS has enacted multiple process improvements since the May 2009 Notice of Violation and proposed fine. Some of these improvements include:

- Communication
 - Early raising of issues; improved formal documentation; a “watch list” for projects at risk
- Management of scope growth
 - Consequences of unfunded additions to scope; use of an Executive Forum to resolve issues
- Database enhancement
- Enhanced document review and approval

LASO and LANS will monitor and validate the effectiveness of the improvement actions via formal internal and external reviews (i.e., audits and assessments). A six Sigma analysis is currently under way and due for completion on December 14, 2010. LANS would be pleased to share results of this analysis with the CAB.

LASO and LANS agree that clear and effective regulatory interactions are a key part of the successful completion of our legacy cleanup mission, and we thank the CAB for its valuable input.