

September 11, 2000

Mr. Robert G. Card
[]
Kaiser-Hill Company, L.L.C
Rocky Flats Environmental Technology Site
10808 Highway 93, Unit B
Golden, CO 80403-8200

Subject: Enforcement Letter

Dear Mr. Card:

This letter refers to an evaluation by the Department of Energy (DOE) of noncompliance report number NTS-RFO--KHLL-SITEWIDE-2000-0005, which describes noncompliances with the design and procurement requirements of 10 CFR 830.120 (Quality Assurance Rule). 10 CFR 830.120(c)(2)(iii) requires that procured items and services shall meet established requirements and perform as required; 10 CFR 830.120(c)(2)(ii) requires that design work including changes, shall incorporate applicable requirements and design bases; 10 CFR 830.120(c)(2)(iv) requires that inspection and testing of specified items, services, and processes shall be conducted using established acceptance and performance criteria. The noncompliances described in the NTS report include breakdowns with the design specification and acquisition of various safety-related items. These items include (1) metal pallets for handling and storage of radioactive waste containers, (2) fire-retardant tents, (3) fire-retardant plastic sheeting and sleeving, and (4) bagout bags.

The procurement related deficiencies are similar to the deficiencies for which you were cited in 1999 (EA-1999-06) and in 2000 (EA-2000-01). The recent problems indicate that weaknesses remain with your procurement processes. Of further concern to DOE is the amount of time you required to recognize these problems as being programmatic in nature. You identified the design and procurement issues on April 13, 2000. However, despite the significant prior similar problems at the DOE Rocky Flats site, you did not recognize the recent noncompliances as meeting the NTS reportability threshold for programmatic deficiencies relating to the procurement and design processes until June 27, 2000, a time period of over two months.

DOE has decided to exercise its discretion and to defer any enforcement action pending completion of all corrective actions to the satisfaction of the DOE Rocky Flats Field Office. Had you not reported the noncompliances into the NTS, DOE would have considered escalated enforcement action in this case.

DOE will continue to monitor implementation of your corrective actions for the subject NTS report. Should you have any questions concerning this letter or DOE's review of the NTS report, please contact Sharon Hurley of my staff at 301-903-0110.

Sincerely,

A handwritten signature in black ink that reads "R. Keith Christopher". The signature is written in a cursive, flowing style.

R. Keith Christopher
Director
Office of Enforcement and Investigation

cc: B. Costner, S-1
D. Michaels, EH-1
M. Zacchero, EH-1
S. Cary, EH-1
R. Day, EH-10
D. Stadler, EH-2
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Docket Clerk, EH-10