

Rocky Flats Citizens Advisory Board Recommendation 98-6

to the U.S. Department of Energy

**Regarding Followup to RFCAB Recommendation 97-2:
Review of Kaiser-Hill's Contract**

Approved March 5, 1998

March 6, 1998

Secretary Federico Peña
U.S. Department of Energy
1000 Independence Avenue SW
Washington, D.C. 20585

Jessie Roberson
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Dear Ms. Roberson and Mr. Peña,

We received two DOE responses to RFCAB Recommendation 97-2 regarding a review of Kaiser-Hill's contract. One was from the Rocky Flats Field Office and the other was from the Office of Environment, Safety and Health. These letters suggested that the Board review a number of recent studies that may have addressed some of the concerns we presented in our recommendation.

Our Site Wide Issues/Budget Focus Group has completed a review of these studies and determined how each addressed or did not address the specific points identified in our recommendation. We found that several points were not addressed and would like to suggest that a review of the contract is still warranted. If a thorough review is undertaken soon, any deficiencies that are found can be corrected to produce the most efficient and successful results during the second half of this contract. The Board acknowledges that progress has been made towards cleanup during Kaiser-Hill's tenure at the site, yet we believe that further improvements

in site management practices are both possible and necessary.

In order to more clearly illustrate our specific concerns, we have elaborated below on several of the issues identified in our original recommendation and whether or not we feel these issues were addressed in any of the recently-completed reviews.

CAB's recommendation 97-2 requested that DOE initiate a review of its contract and the effect it has had on:

The Progression of Cleanup

The ES&H report *Followup Review of Vital Safety Systems, Authorization Basis and Plutonium Vulnerabilities* notes that "While progress is being made at RFETS, areas for additional emphasis on safety were identified that would contribute to accomplishing the remediation and waste cleanup mission safely." CAB suggests that DOE investigate whether contract mechanisms are a contributing factor to this situation. If this is indeed the case, remedies can then be implemented as soon as possible.

Deployment of Innovative Technologies

In a number of recommendations, CAB has expressed its support for continued effort and funding in the area of development and deployment of innovative technologies. CAB would like to see a more thorough cleanup than is possible by using current technology. In addition to achieving better results, innovative technology may enable work to be done more safely and more cost-effectively. Therefore, CAB has a strong interest in DOE pursuing more advanced cleanup technologies. DOE itself has documented an interest in technology as part of the 2006 plan (see *Accelerating Cleanup: Focus on 2006*, Discussion Draft, June 1997, page 5-3 "DOE places high priority on the successful development of new technology....Investments in basic scientific research now can lead to breakthroughs in the innovative cleanup methods and technologies of the future.") CAB is concerned, therefore, that performance-based contract influences may provide more of a disincentive than an incentive for the contractor to spend the time and resources necessary to identify and utilize innovative technologies. We feel that this issue should be examined and addressed. None of the completed studies looked at this issue.

Public and Worker Participation in Decision-Making

CAB acknowledges the marked improvement in the sharing of information and opportunities for public involvement during the last few years. This is a commendable accomplishment by the Department of Energy. However, the Board has concerns about whether public input actually impacts site decisions. We would like a review to determine whether contract mechanisms have an effect on the incorporation of public comment into decisions. None of the referenced studies addresses this issue.

Nuclear Safety

In reviewing the ES&H Report (*Followup Review...*), CAB understands that progress has been made in addressing plutonium vulnerabilities. However, we do not see the issue of worker safety addressed in this or any of the other studies. It is well-documented that there are problems in this area at Rocky Flats. The two 1996 incidents involving releases/contamination are the most prominent examples of problems with nuclear safety at the site. Additional incidents reported regularly by DOE (for example the Operating Experience Weekly Summaries and Shift Superintendent's Daily Summaries) provide reason for further concern. The existing lessons learned and corrective actions derived from the investigations of the 1996 incidents recognize and suggest remedies regarding nuclear safety issues. However, they do not address specific contract features that may contribute to ongoing nuclear safety problems. CAB recommends that further independent review of the relationship between the contract structure and nuclear safety is warranted.

Efficient Use of Work Force

One of the primary differences between a management and operations contract and a management and integration contract is whether one company or several companies perform the actual work at a site. In the case of Rocky Flats, we have several higher tier contractors performing different functions at the site. Kaiser-Hill, as integrator, should have the responsibility of ensuring the seamless flow of workers across companies so that the workers go where the work is at any given time. In discussions with workers at the committee level, CAB has heard reports that this is not happening. Examples provided to CAB illustrate situations in which a company may have a shortage of work to do, but is still reluctant to release its idle workers to other companies that may have work scheduled. An instance was presented in which one company ran short on funding and offered extended time off to its employees at a time when these same employees could have been performing valuable functions with other companies on-site. Because everyone agrees that Rocky Flats' limited resources must be utilized as efficiently as possible, CAB feels that it is necessary to include this question in a review of the contract. None of the cited studies address this issue.

Linkage of Performance Measures to Site Priorities

CAB commends DOE on its continuous improvement of the performance measures system. Innovations such as gateway, superstretch, and comprehensive performance measures have been successful and necessary advancements in guiding and incentivizing the contractor. However, as we are sure DOE recognizes, the system can be improved even more. We are concerned about examples we have heard, such as: 1) Kaiser-Hill earning incentive pay for clearing waste out of the protected area that eventually needed to be moved back in, or 2) the contractor being paid for clearing the contents out of a building by simply stacking everything outside the building. This kind of loophole or unintended consequence of the contract's performance measures system needs

to be investigated and remedied if we are to have an effective and cost-efficient cleanup. This issue was addressed to a certain extent in the Inspector General's report, but bears further scrutiny.

Other concerns were included in the May recommendation, and although we did not believe that they required further explanation in this letter, the Board still feels it is important that they be addressed.

CAB would like to reiterate that external review of the contract issues we have identified is warranted. We request that the Department support and fund such a review. We would like to see DOE work with us and other community members to initiate this project. Because we see great benefits in ensuring that the results of this review can be incorporated and implemented during the remaining years of the current contract, we hope you will act quickly on our request. Thank you for your prompt response.

Sincerely,

Tom Marshall
Chair

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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