

DOE-STD-1104-2016
Frequently Asked Questions
June 2021

Q1: Until DOE-STD-1104-2016 is revised, there is a disconnect between the language in the Standard and the October 2020 10 CFR Part 830 revision that eliminated the requirement for DOE approval of the annual DSA submittal. How should this be handled?

A1: The recent 10 CFR Part 830 revision removed the requirement that DOE approve the annual submittal of the DSA. The new language in Section 830.202(c)(2) requires the contractor to “[A]nnually provide DOE the current documented safety analysis or a letter stating that there have been no changes in the documented safety analysis since the prior submittal.” With the rule change, the contractor is still required to provide DOE with the current DSA on an annual basis, however there is no requirement that DOE review and approve it. With the changes to the rule, the expectation is that the USQ process is used to identify changes to the safety basis that require DOE review and approval.

DOE-STD-1104-2016, Section 7.1.2, “Review of Safety Basis Changes and DSA Annual Updates” is consistent with the previous 10 CFR Part 830 requirements (January 2001 Final Rule) including the requirement that DSA annual updates are submitted for approval.

The current Standard states the requirement: “Revisions of DSAs and TSRs, including DSA annual updates undergo review and approval by DOE.” This sentence is no longer accurate with the issuance of the October 2020 10 CFR Part 830 revision. It is important to note that there are no additional requirements in Section 7.1.2 (“shall” statements) of DOE-STD-1104-2016.. This section only provides implementation guidance.

Since the requirement for DOE approval no longer exists in 10 CFR Part 830, the STD-1104-2016 guidance on this topic is no longer relevant. However, this guidance may still be useful for sites that choose to continue reviewing and approving the annual submittal on some periodicity, or if the annual submittal contains changes that necessitate DOE review and approval (e.g., positive USQ changes, changes to TSRs, or other changes that require DOE review and approval). DOE has the authority to review the safety basis at any time.

In the near future, DOE plans to revise DOE-STD-1104-2016 to update the guidance to reflect the October 2020 rulemaking.