



The Price-Anderson Amendments Act

Price-Anderson Amendments Act



Training Objectives

Upon completion of this training, you will be able to:

- Explain the purpose and applicability of the Price-Anderson Amendments Act (PAAA) for the DOE and its contractors.
- Describe the requirements for implementing the PAAA.
- Describe the steps in the PAAA reporting process.
- Identify ways to prevent PAAA potential noncompliance problems.

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Topics

- Introduction
- Implementing PAAA
- Potential Noncompliance Reporting
- Preventing Potential Noncompliance Problems

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Introduction

- Background
- Purpose
- Applicability
- Underlying Principles
- Contractor Responsibilities
- How It Works

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Background

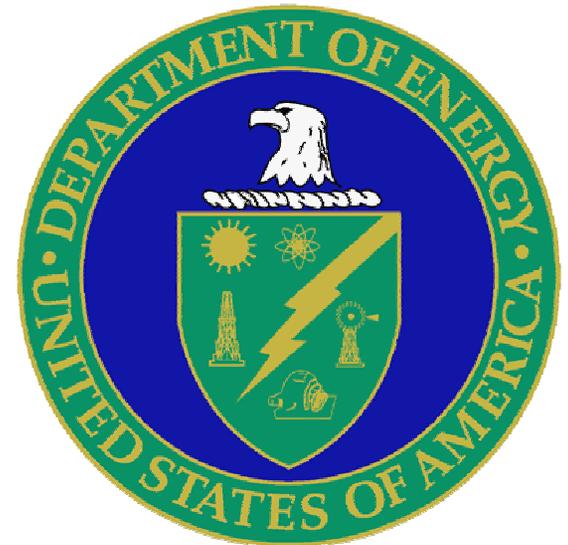
- Price-Anderson Act (1957)
 - Provided indemnification (insurance) of DOE contractors performing nuclear activities for the government
- Price-Anderson Amendments Act (PAAA, 1988)
 - Required development and enforcement of DOE nuclear safety rules



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Purpose

- Promotes protection of the environment, health, and safety of the public and workers
- Indemnifies (insures) DOE contractors against public liability due to a nuclear incident
- Establishes quality and nuclear safety requirements
- Provides DOE enforcement authority



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Applicability

- PAAA applies to contractors, subcontractors, and suppliers conducting activities that affect or may affect the safety of DOE nuclear facilities or activities.
- All work must be accomplished with established quality and Nuclear Safety requirements set out in the contracts.

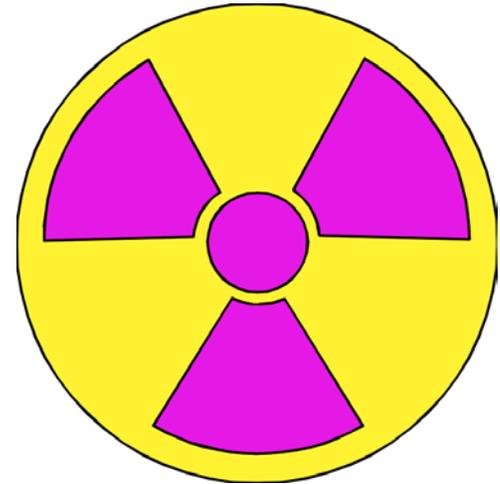


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Applicability (continued)

- Nuclear facilities* and activities (includes radiological)
- Work in support of those facilities and activities

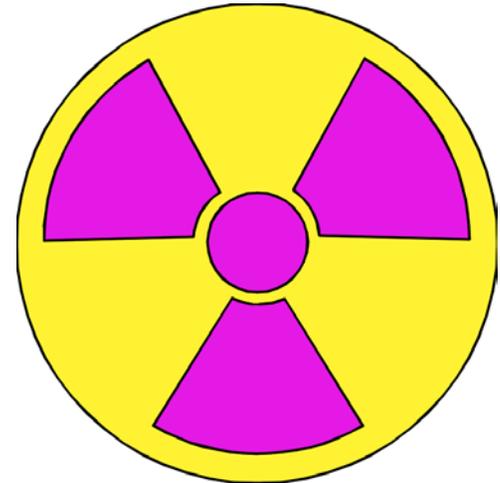
* Any where work is carved out in support of nuclear activities



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Applicability (continued)

- Activities that can cause or contribute to nuclear or radiological incidents, or could result in potential for radiological harm
- A nuclear facility does not necessarily mean a building, a room, or structure. It is any where work is carried out that involves nuclear material or components.



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Underlying Principles

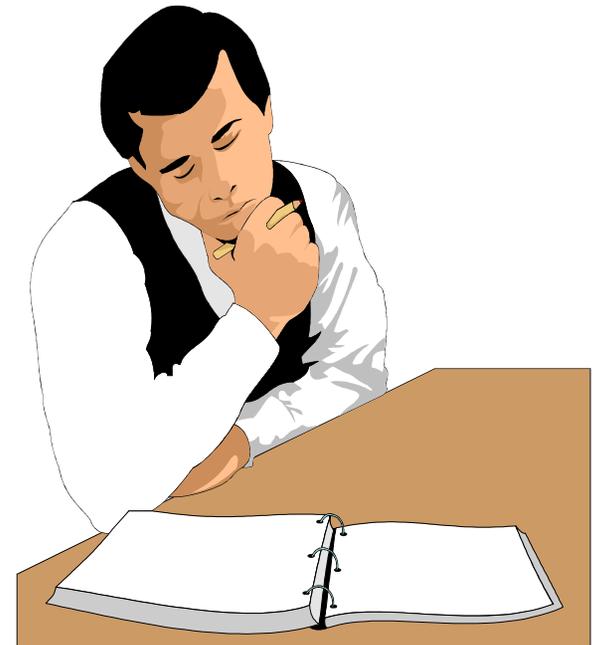
- Compliance and safety is a contractor responsibility.
- Participation in the self-reporting process is voluntary and through contractor initiative.
- The American public expects that work carried out on their behalf will be done correctly and safely.
- By establishing strong quality and Nuclear Safety programs everyone benefits!



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Contractor Responsibilities

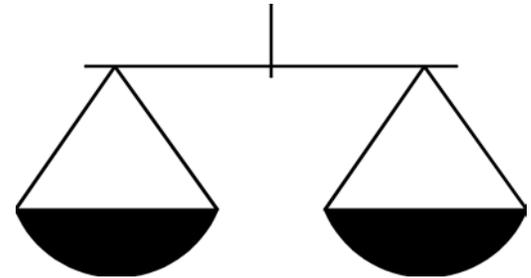
- Understand and implement nuclear safety requirements
- Critically self-assess activities
- Promptly identify, report, and correct noncompliances
- Conduct work activities in compliance with applicable procedures
- Assure the subcontractors performance meets requirements



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How It Works

- The DOE PAAA Program
 - Provides positive incentives for prompt identification, reporting and comprehensive corrective action
 - Establishes a series of enforcement tools including Notices of Violation and civil penalties for violations



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How It Works

- Implementation is through in-place programs and processes
 - Quality Assurance (QA)
 - Integrated Safety Management (ISM) programs
 - Radcon Program
 - Safety Basis Requirements
 - These requirements are derived from pre-existing DOE Orders



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Check Your Understanding

- What is the purpose of DOE's PAAA Program?
- What are DOE's responsibilities under the PAAA?
- To what kind of work does the PAAA apply?
- To whom does the PAAA apply?
- What are the contractor's responsibilities under the PAAA?



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How Did You Do?

- PAAA's purpose is to promote the protection of the environment, health, and safety of the public and workers.
- DOE's PAAA responsibilities are to
 - Indemnify DOE contractors against public liability due to a nuclear incident
 - Establish nuclear safety requirements
 - Provide DOE enforcement authority

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How Did You Do?

- PAAA applies to work involving
 - Nuclear facilities and activities (includes radiological)
 - Support of those facilities
 - Activities that can cause or contribute to nuclear or radiological incidents, or could result in potential for radiological harm
 - Activities that have no nuclear inventory but can contribute to nuclear or radiological incidents, or could result in potential for radiological harm.

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How Did You Do?

- PAAA applies to contractors, subcontractors, and suppliers conducting activities that affect or may affect the safety of DOE nuclear facilities or activities.
- All are responsible for
 - Understanding and implementing nuclear safety requirements
 - Critically self-assessing activities
 - Promptly identifying, reporting, and correcting noncompliances
 - Conduct work activities in compliance with applicable procedures

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Implementing PAAA

- Key Roles and Responsibilities
- Rules and Regulations
- Potential Noncompliance

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Key Roles and Responsibilities

- Line management is responsible for implementing and assuring compliance with Nuclear Safety requirements.
- DOE and Contractor PAAA Coordinators provide support to line management in identifying, reporting, and resolving potential noncompliances.



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Key Roles and Responsibilities (continued)

- The DOE Office of Enforcement (OE) reviews potential noncompliances and investigates those of significance from the large number of reports entered by contractors into the Noncompliance Tracking System.



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Noncompliance Tracking System (NTS)

- The Office of Enforcement relies on its DOE and Contractor PAAA Coordinators in ensuring that significant noncompliances are reported to the NTS.
- The Office of Enforcement reviews each site's reports periodically
 - They are looking for trends both at the site and throughout the complex
 - If a single noncompliance or trend stands out they may request further information
 - The number of noncompliance reports far out weighs the number which are formally investigated by the Office of Enforcement

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Rules and Regulations

- Implementing DOE rules
 - 10 CFR Part 708 (DOE Contractor Employee Protection Program [Whistleblower])
 - 10 CFR Part 820 (Procedural Rules for DOE Nuclear Activities)
 - 10 CFR Part 830 (Nuclear Safety Management)
 - Subpart A Quality Assurance.
 - Subpart B Safety Basis
 - 10 CFR Part 835 (Occupational Radiation Protection)

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Potential Noncompliance

- Noncompliance means an issued rule or required implementing procedure is not met, including failure to
 - Adequately develop programs, plans, or procedures to implement a requirement
 - Follow programs, plans or procedures



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Potential Noncompliance

- Examples
 - Disregarding radiological postings
 - Failing to
 - Properly document, use, and implement technical work documents
 - Conduct work activities according to procedures and work controls
 - Follow procedures for selecting a supplier for safety related items
 - Control radiological material



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Potential Noncompliance

- Primary responsibility for identifying and correcting potential noncompliances belongs to DOE's
 - Contractors
 - Subcontractors
 - Suppliers

Contractors are responsible for the PAAA actions of their subcontractors and suppliers



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Potential Noncompliance

- Sources for identification include
 - Worker Identified
 - Internal and External Assessments
 - Event-Related
 - Safety System Degradation



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Check Your Understanding

- Who has primary responsibility for implementing and assuring compliance with the PAAA?
- What is a noncompliance?
- Who has primary responsibility for identifying and correcting potential noncompliances?
- Name four sources for identifying noncompliances.



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How Did You Do?

- Line management has the primary responsibility for implementing and assuring compliance with PAAA.
- Noncompliance means an issued rule or required implementing procedure is not met.
- Primary responsibility for identifying and correcting noncompliances belongs to DOE's contractors, subcontractors, and suppliers.
- Sources for identifying potential noncompliances are
 - Worker Identified
 - Internal and External Assessments
 - Event-Related
 - Safety System Degradation

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Potential Noncompliance Reporting

- NTS Reporting
- Local Reporting
- Preventing Price-Anderson Noncompliance Problems

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Potential Noncompliance Reporting

- Reporting to DOE
 - Is voluntary
 - May reduce civil penalties (fines)
- It is in both DOE's interest and the contractor's interest to identify Nuclear Safety Problems



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Potential Noncompliance Reporting

- Cooperation builds trust and commitment by both DOE and its contractors.
- Under PAAA the Office of Enforcement is given the authority to mitigate fines if there is full early disclosure



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Potential Noncompliance Reporting

- DOE expects contractors to
 - Identify noncompliances in a timely manner
 - Promptly and thoroughly report noncompliances
 - Identify the causes
 - Work to prevent recurrence as part of correcting the noncompliance



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Potential Noncompliance Reporting

- DOE enforcement actions and penalties depend on
 - Safety significance
 - Contractor initiative in identification and reporting
 - Timeliness and effectiveness of corrective actions



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Potential Noncompliance Reporting

- Potential noncompliances may be reported in two ways
 - Reporting to DOE's Noncompliance Tracking System (NTS)
 - Reporting locally



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NTS Reporting

- Required reporting to DOE's Noncompliance Tracking System (NTS) includes
 - Programmatic deficiencies
 - Significant events, including some Unusual Occurrences

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NTS Reporting

- *Programmatic deficiencies* can be
 - Repetitive
 - Programmatic
 - An intentional violation
 - A misrepresentation



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NTS Reporting

- *Unusual Occurrences* can be related to
 - Facility Condition
 - Environmental
 - Personnel Radiological Protection
- Certain levels of personnel contamination and radiation exposure should be considered for NTS reporting



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Local Reporting

- Locally reportable
 - Any noncompliance that does not meet the reporting criteria for NTS
 - Should be identified as PAAA applicable and be readily accessible
 - All locally reportable noncompliances should be reviewed periodically for potential programmatic issues



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Check Your Understanding

- What are DOE's expectations for noncompliance reporting and correction?
- What are the factors that influence DOE decisions about enforcement actions?
- What are the two ways of reporting potential noncompliances?



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How Did You Do?

- DOE expects contractors to
 - Identify noncompliances in a timely manner
 - Promptly and thoroughly report noncompliances
 - Identify the causes
 - Work to prevent recurrence as part of correcting the noncompliance
- DOE enforcement actions and penalties depend on
 - Safety significance
 - Contractor initiative in identification and reporting
 - Timeliness and effectiveness of corrective actions
- Potential noncompliances are reported to the DOE (Noncompliance Tracking System) and locally

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Preventing Price-Anderson Noncompliance Problems

- Contractor employees can keep their company in compliance by
 - Understanding and implementing nuclear safety requirements
 - Critically self-assessing activities
 - Promptly identifying, reporting, and correcting potential noncompliances
 - Conducting work activities in compliance with applicable procedures



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Preventing Price-Anderson Noncompliance Problems

- Examples
 - Following applicable procedures for
 - Work planning and control
 - Radiological posting
 - Procuring safety related items
 - Reporting potential nuclear safety deficiencies to a supervisor or PAAA Program Manager



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Check Your Understanding

- Name four ways to help prevent potential noncompliance problems.
- To whom should a potential nuclear safety deficiency be reported?



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How Did You Do?

- Contractor employees can keep their company in compliance by
 - Understanding and implementing nuclear safety requirements
 - Critically self-assessing activities
 - Promptly identifying, reporting, and correcting potential noncompliances
 - Conducting work activities in compliance with applicable procedures
- Potential nuclear safety deficiencies should be reported to a supervisor or PAAA Program Manager

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For Further Information on PAAA you may go to the following web sites:

- The Office of Enforcement
<http://tis-nt.eh.doe.gov/enforce>
- QSM SIG Site for the PAAA Training is
<http://www.ornl.gov/qsm/QSMproducts.htm>
- The EFCOG Site for the PAAA Working Group is
<http://www.efcog.org/workgroups/paaa/index.htm>

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Course Summary

- The purpose of the PAAA is to enhance nuclear safety.
- The Price-Anderson program is good business.
- The United States Government will indemnify its contractors.
- If contractors do not perform nuclear or radiological work correctly, they are subject to penalties.
- It benefits the contractors to maintain good work practices which will produce quality products and services.

