

ISMS Training Document
Track 2, Activity 13 – July 2008
Enforcement Program

Activity

Describe how the DOE nuclear safety, classified information security, and worker safety and health enforcement program activities are carried out at the Oak Ridge Office (ORO).

At the completion of this activity, fill out the Self-Certification Form certifying that you have read this activity sheet.

Key Documents

- 10 CFR 708, *DOE Contractor Employee Protection Program*
 - 10 CFR 820, *Procedural Rules for DOE Nuclear Activities*
 - 10 CFR 824, *Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations*
 - 10 CFR 830, *Nuclear Safety Management*
 - 10 CFR 835, *Occupational Radiation Protection*
 - 10 CFR 851, *Worker Safety and Health Program*
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What's In It For Me

The enforcement program is not simply a DOE Headquarters (HQ) program. The program can assist ORO in ensuring that the contractor's activities conform with DOE requirements and thus plays an important role in managing the contractor.

If you observe a situation or activity that may be in conflict with the rules listed above, it should be reported to your supervisor and to your line organization's ORO Enforcement Coordinator.

Background Information

The Price Anderson Amendments Act (PAAA) provides indemnification to contractors, who manage and conduct nuclear activities for DOE, from financial liability associated with a nuclear incident. In a general sense, the government acts as an insurer to these contractors for nuclear activities they perform within the scope of their contracts.

PAAA applies to indemnified contractors, subcontractors, and suppliers conducting nuclear activities for DOE. To ensure that the government's interests are protected, PAAA gives DOE authority to take enforcement actions against indemnified contractors for violations of these nuclear safety rules.

Likewise the National Defense Authorization Act (NDAA) of 2000 and 2003 amended the Atomic Energy Act to give DOE authority to take enforcement actions against indemnified and nonindemnified contractors for violations of the classified information security and worker safety and health rules.

Enforcement Expectations

DOE expects contractors to implement appropriate steps to ensure their activities comply with nuclear safety, classified information security, and worker safety and health rules. DOE expects contractors to self-identify and report noncompliances. Although voluntary, DOE expects that

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noncompliances above the thresholds, established by the HQ Office of Enforcement (HS-40), to be reported in the DOE Noncompliance Tracking System (NTS) and Incident Tracking and Analysis Capability (ITAC). More information on the NTS is located at

http://hss.energy.gov/Enforce/EPO_1207.pdf and
<http://hss.energy.gov/Enforce/SecEnforce/824Implementation.pdf>.

Less significant noncompliances may be tracked and closed using the contractor's internal tracking systems. These less significant noncompliances are trended for recurring or programmatic issues that may indicate a more significant noncompliance.

DOE expects the contractors to develop effective corrective actions for identified noncompliances and to complete the actions in a timely manner. The DOE enforcement policy, delineated in 10 CFR 820, 824, and 851, provides positive incentives for contractors that meet these expectations (up to 100 percent mitigation of civil penalties and fee reduction).

**Office of
Enforcement
Functions**

The following are the functions of the Office of Enforcement (HS-40):

- Implements an enforcement program that includes processes and incentives for contractors to promptly identify, report, and correct nuclear safety, worker safety and health, and classified information security issues and noncompliance.
- Evaluates the effectiveness of contractor programs in meeting DOE nuclear safety, classified information security, and worker safety and health requirements and the self-regulatory criteria required for enforcement discretion by DOE.
- Investigates, inspects, and resolves, through enforcement actions and civil penalties or fee reductions, significant contractor violations that do not warrant enforcement discretion.
- Works closely with DOE field and program elements to implement the DOE enforcement program.
- Conducts reviews of the contractor's enforcement program.
- Conducts and participates in various activities that facilitate improved contractor performance including conduct of DOE and contractor enforcement coordinator training and coordination with the Energy Facility Contractors Group (EFCOG) Safety and Security Regulatory working group.
- Provides feedback and lessons learned on performance issues through the Enforcement Web Page and promulgation of additional enforcement guidance.

Enforcement

The Enforcement Program is part of ORO's overall Management System and

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Coordination

involves the collaboration between the ORO, Office of Enforcement (HS-40), and contractor management and staffs, especially the ORO Enforcement Coordinators, Office of Enforcement (HS-40) staff, and the contractor Enforcement Coordinators. This collaboration includes:

1. Line management responsibility for the day-to-day oversight of the contractors' compliance with the nuclear safety, classified information security, and worker safety and health rules include the review and approval of contractor documents and their implementation required by these rules, such as, the Quality Assurance Program, Radiation Protection Program, safety basis documents, Worker Safety and Health Program, and Safeguards and Security Program.
2. The ORO Enforcement Coordinators work with their line organization and HS-40 staffs in overseeing the contractor's implementation of their programs and to ensure noncompliances are identified, reported, and corrected to prevent recurrence. Also, the ORO Enforcement Coordinators assists HS-40 in investigations and enforcement actions where warranted.

**The Role of the
ORO Enforcement
Coordinators**

The ORO Enforcement Coordinators are the primary individuals responsible for interaction with HS-40, their line organization's management and staff, and the contractor Enforcement Coordinator on enforcement matters. Examples of enforcement activities performed by the ORO Enforcement Coordinators include the following:

- Interfacing with the HS-40, their line organization's management and staff, and contractors related to reporting and correcting noncompliances
- Assuring the proper flow of relevant information between HS-40, their line organization's staff, and contractor
- Identifying noncompliances that are programmatic, recurring, or event driven through monitoring of occurrence reports, assessment reports, investigation reports, etc.
- Assessing the safety significance of identified noncompliances and identifying those warranting investigation
- Ensuring information requested by HS-40 staff is provided and collaborating with HS-40 in evaluating the facts of potential noncompliances reported into the NTS and ITAC
- Coordinating the identification of personnel for technical support when necessary to bring an issue to closure
- Monitoring the contractor's timeliness in completing corrective actions for noncompliance in NTS and ITAC (including those associated with

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enforcement actions)

- Evaluating potential noncompliances of less safety and security significance tracked internally by the contractor

- Coordinating input from their line organization's staff on the effectiveness of the contractor in identifying and addressing the root cause(s) of noncompliances, correcting the noncompliances, preventing their recurrence, and addressing the extent of condition

- Reviewing NTS and ITAC corrective action evidence packages to verify proper root cause analysis, ensuring the package includes objective evidence that the corrective actions were completed, verifying actions taken will address the root cause(s) to prevent recurrence, ensuring that a proper evaluation of extent of condition was performed, confirming closure, entering verification results into NTS and ITAC, with clear recommendations for closure to the HS-40 staff

- Participating on investigations, enforcement conferences, and enforcement actions (including determination of severity level, application of mitigation factors or escalation, issuance of notice of violations with civil penalty or fee reduction, closure with no further enforcement action)

- Contributing in the preparation of investigation summary reports and enforcement correspondences to the contractor

- Assessing the contractor's Enforcement Program and monitoring associated corrective actions to closure

- Providing enforcement training to their line organization staff

- Ensuring that exemption and variance requests are sent to the docket clerk.

To Learn More

For more information about the enforcement of nuclear safety, information security, and worker safety and health rules go to <http://hss.energy.gov/Enforce> or click on these documents:

- [*10 CFR 708, DOE Contractor Employee Protection Program*](#)
 - [*10 CFR 820, Procedural Rules for DOE Nuclear Activities*](#)
 - [*10 CFR 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations*](#)
 - [*10 CFR 830, Nuclear Safety Management*](#)
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- [10 CFR 851, *Worker Safety and Health Program*](#)
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