



# **DOE Enforcement Programs**

## **Background and Overview**

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**Office of Health, Safety and Security**



## Training Objectives



- ✓ **Introduce the statutory basis and philosophy of the Enforcement Programs**
- ✓ **Communicate the Expectations for and Responsibilities of Enforcement Coordinators**
- ✓ **Ensure Familiarity with Noncompliance Identification, Reporting and Corrective Action Expectations**
- ✓ **Provide a General Understanding of the Enforcement Process**



## Statutory Background *General*

**Atomic Energy Act (1954) - authorized the Commission to establish those rules, regulations and orders necessary to promote the common defense and security and protect health and to minimize danger to life or property as related to:**

- ✓ The possession and use of special nuclear material, source material, and byproduct material.
- ✓ The protection of Restricted Data or guarding against the loss or diversion of special nuclear material acquired or produced in connection with an activity authorized by the Act.



## Statutory Background *General (cont'd)*



- ✓ The design, location and operation of facilities used in the conduct of activities authorized by the Act.



## Statutory Background *Nuclear*



- ✓ **Price-Anderson Act (1957) provided prompt compensation for a nuclear incident**
  - Provided broad financial coverage for damage, injury, and costs of evacuation (up to statutory limit of \$9.43 billion per incident)
  - Required DOE to indemnify contractors
  
- ✓ **Price-Anderson Amendments Act (1988) extended indemnification for 15 years and required DOE to establish and enforce nuclear safety rules**
  - Incorporated as Section 234A to AEA



## Statutory Background

### *Nuclear (cont'd)*



- ✓ **Nuclear safety rules for radiological protection, quality assurance, safety basis and contractor employee protection have been issued by DOE (10 CFR 820, 830, 835 and 708)**
- ✓ **Bob Stump National Defense Authorization Act (2002)**
  - Extended current indemnification levels until December 31, 2004.
- ✓ **Energy Policy Act of 2005**
  - Indemnifies DOE contractors until December 2025
  - Increases coverage to \$10 Billion per incident, subject to adjustment for inflation.
  - Repeals exemption from civil penalties for nonprofits upon signing of new contract. Civil penalties limited to total fees paid to contractor in year of violation.



## Statutory Background *Security*

- ✓ **National Defense Authorization Act (FY 2000)**
  - Added new section 234B to AEA
  - Provides for imposition of civil penalties for violation of rules, regulations or orders relating to the safeguarding or security of Restricted Data or other classified or sensitive information
  
- ✓ **10 CFR 824 published January 26, 2005**
  - ✓ Safeguards & Security Manuals posted September 6, 2006
  - ✓ Manuals contained 824 Advisory Language



## Statutory Background *WS&H*

- ✓ **Bob Stump National Defense Authorization Act (2002)**
  - Required DOE to promulgate final rules by December 2003 to enforce Worker Safety and Health requirements.
  - Added new Section 234C to AEA
  
- ✓ **10 CFR 851 issued February 9, 2006**



## Enforcement Philosophy



- ✓ **DOE contractors viewed as being in best position to identify and promptly correct noncompliance issues**
- ✓ **Emphasis on promoting contractor timely identification, reporting and correction of noncompliances**
  - Discretion
  - Noncompliance Tracking System (NTS)
  - Incident Tracking and Analysis Capability (ITAC)
  - Mitigation



## Enforcement Process

- ✓ **DOE Enforcement Program policies contained in:**
  - ✓ 10 CFR 820 App. B – Nuclear Safety
  - ✓ 10 CFR 851 App. B – Worker Safety & Health
  - ✓ 10 CFR 824 App. A – Information Security
- ✓ **Flow diagram provides overview of enforcement process (*see appendix*)**
- ✓ **Identification of rule noncompliances by contractor (preferred) or DOE**



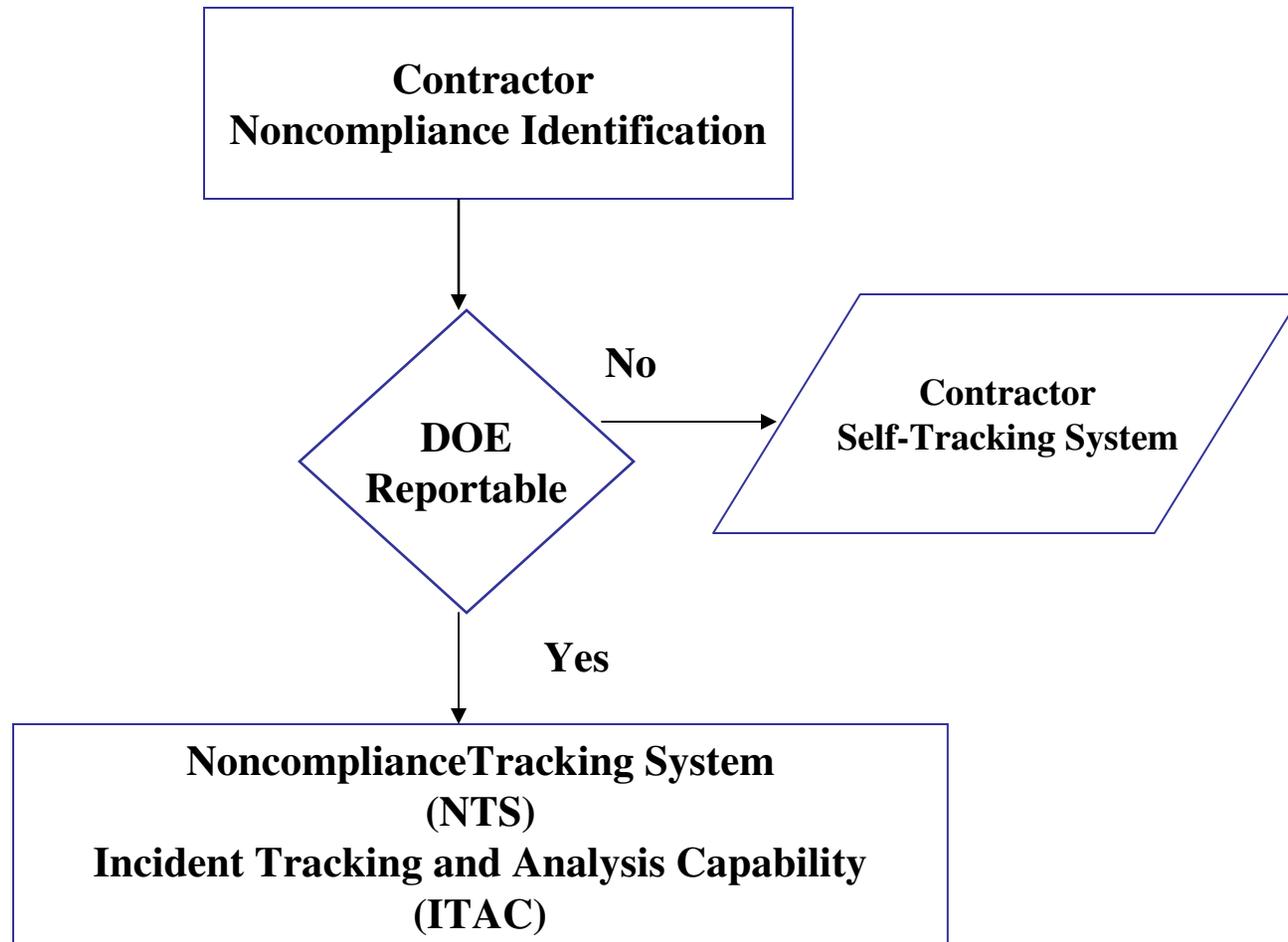
## Enforcement Process (*cont'd*)



- ✓ **Disposition of noncompliances as reportable or internally tracked**
- ✓ **DOE evaluation and investigation process**
- ✓ **Multiple potential outcomes**
- ✓ **Opportunities for discretion and mitigation or escalation**

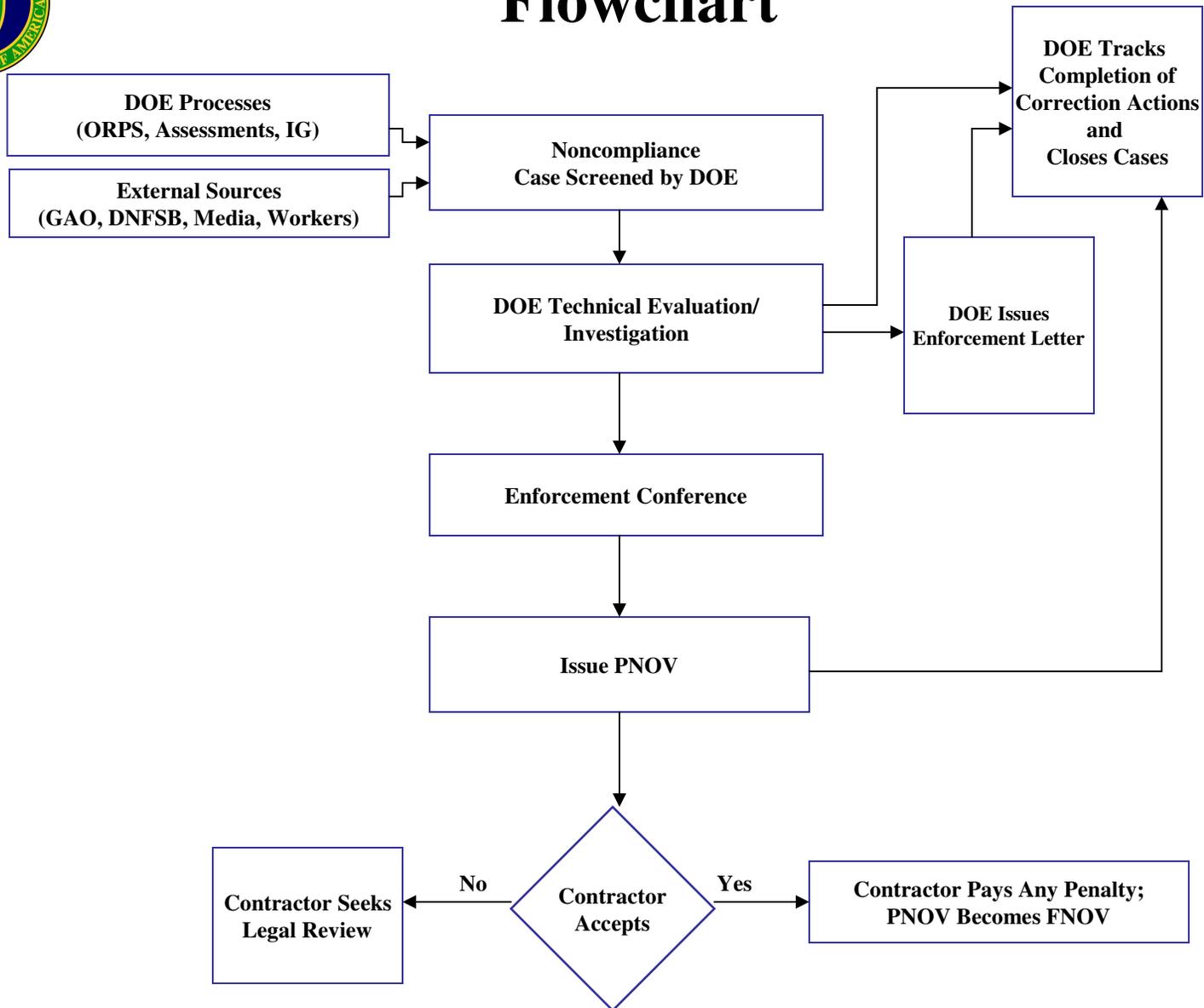


# Flowchart





# Flowchart





## Importance of Coordinator Role



- ✓ **Acts as focal point to promote effective communications with DOE and contractor on enforcement matters**
- ✓ **Ensures effective implementation/oversight of the identification, reporting and correction of noncompliances**
- ✓ **Monitors contractor compliance assurance program effectiveness**
- ✓ **Maintains access to Senior Management**

**Listing of DOE and Contractor Coordinator Responsibilities (*see appendix*)**



## Office of Enforcement Focus Areas



- ✓ **Transition from event-driven to assessment-driven complex**
- ✓ **Extent of condition**
- ✓ **Verification of effectiveness**
- ✓ **Transition of EFCOG to INPO-like organization**