

2024 DOE Safety and Security
New Enforcement Coordinator Workshop

WELCOME!

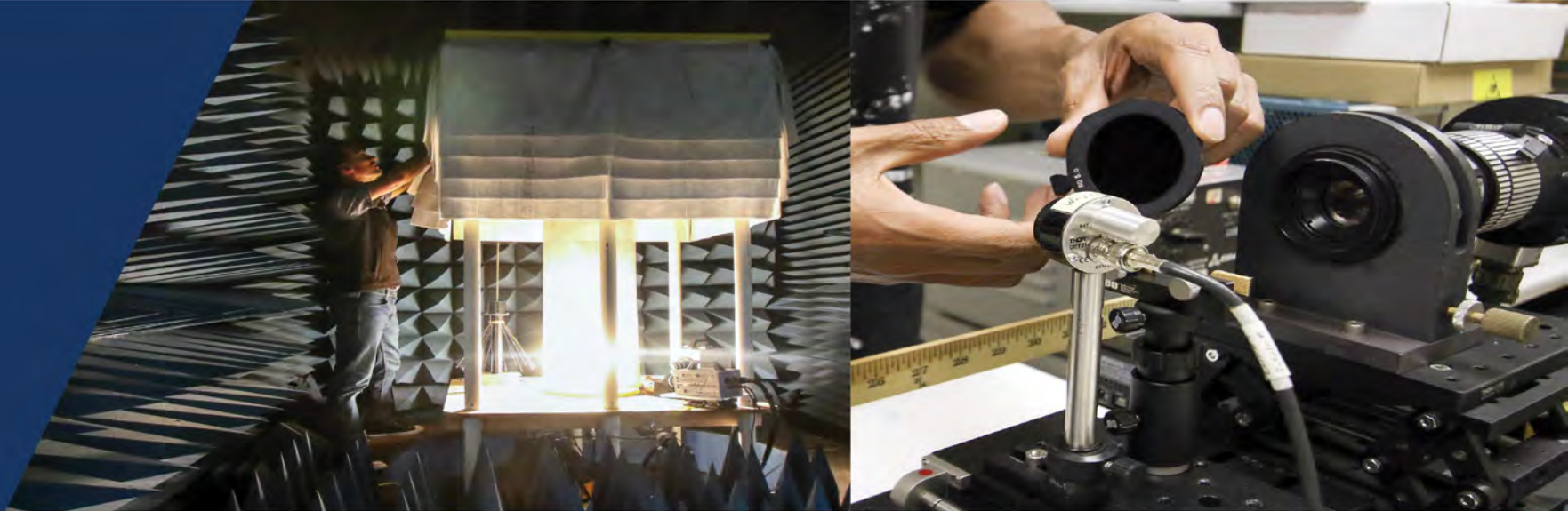
**Anthony Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments**

Agenda

May 6, 2024

1:00 – 1:15	Introduction to the Office of Enforcement and the Office of Enterprise Assessments	Anthony Pierpoint Director Office of Enforcement
1:15 – 2:00	DOE's Safety and Security Regulatory Framework and Roles and Responsibilities of Enforcement Coordinators	Shannon Holman Director Office of Worker Safety and Health Enforcement Jacob Miller Director Office of Nuclear Safety Enforcement
2:00 – 3:00	Enforcement Investigation Process	Robin Keeler Deputy Director Office of Enforcement
3:00 – 4:00	Q&A - Open Discussion	Anthony Pierpoint Director Office of Enforcement

May 6, 2024

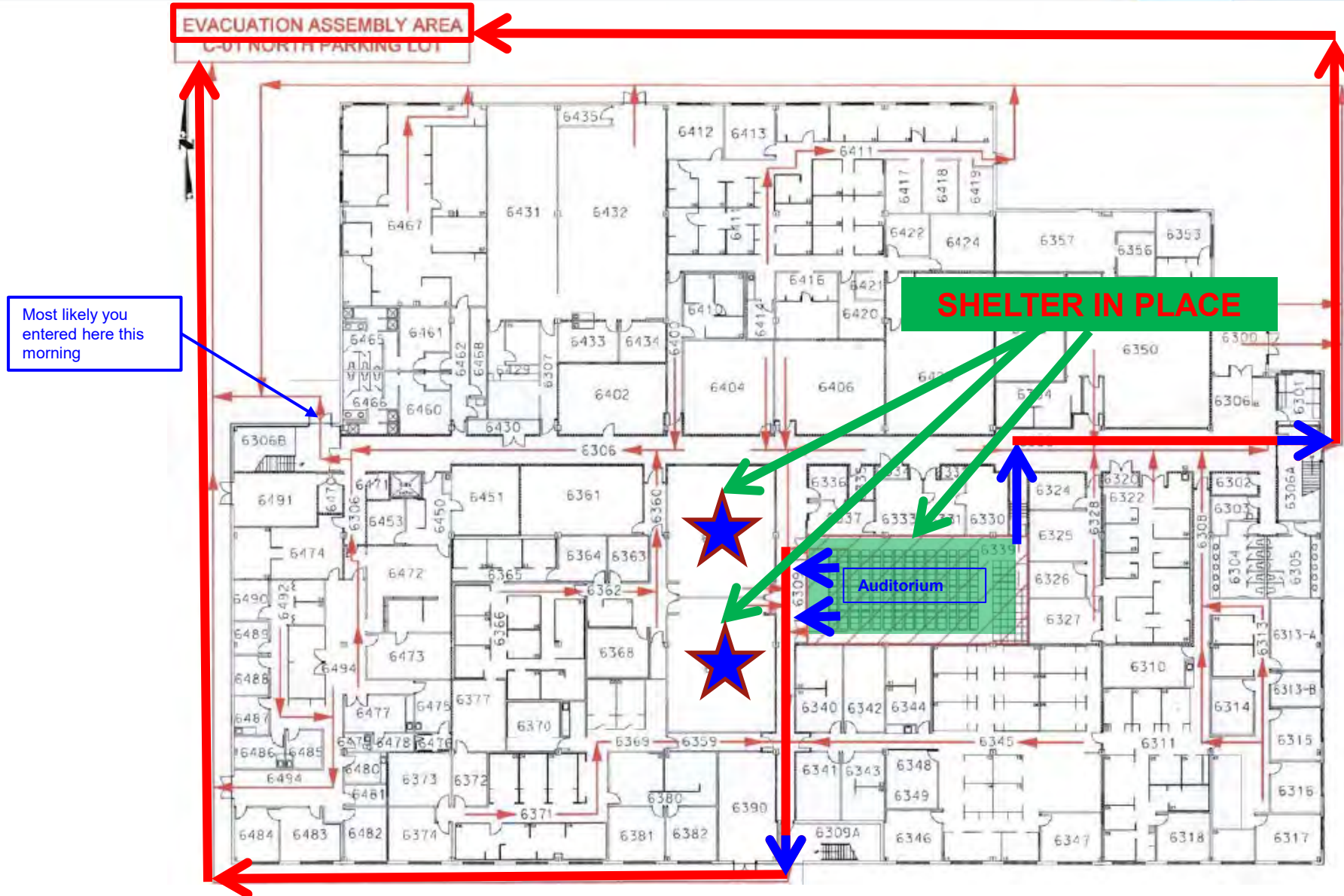


Logistics

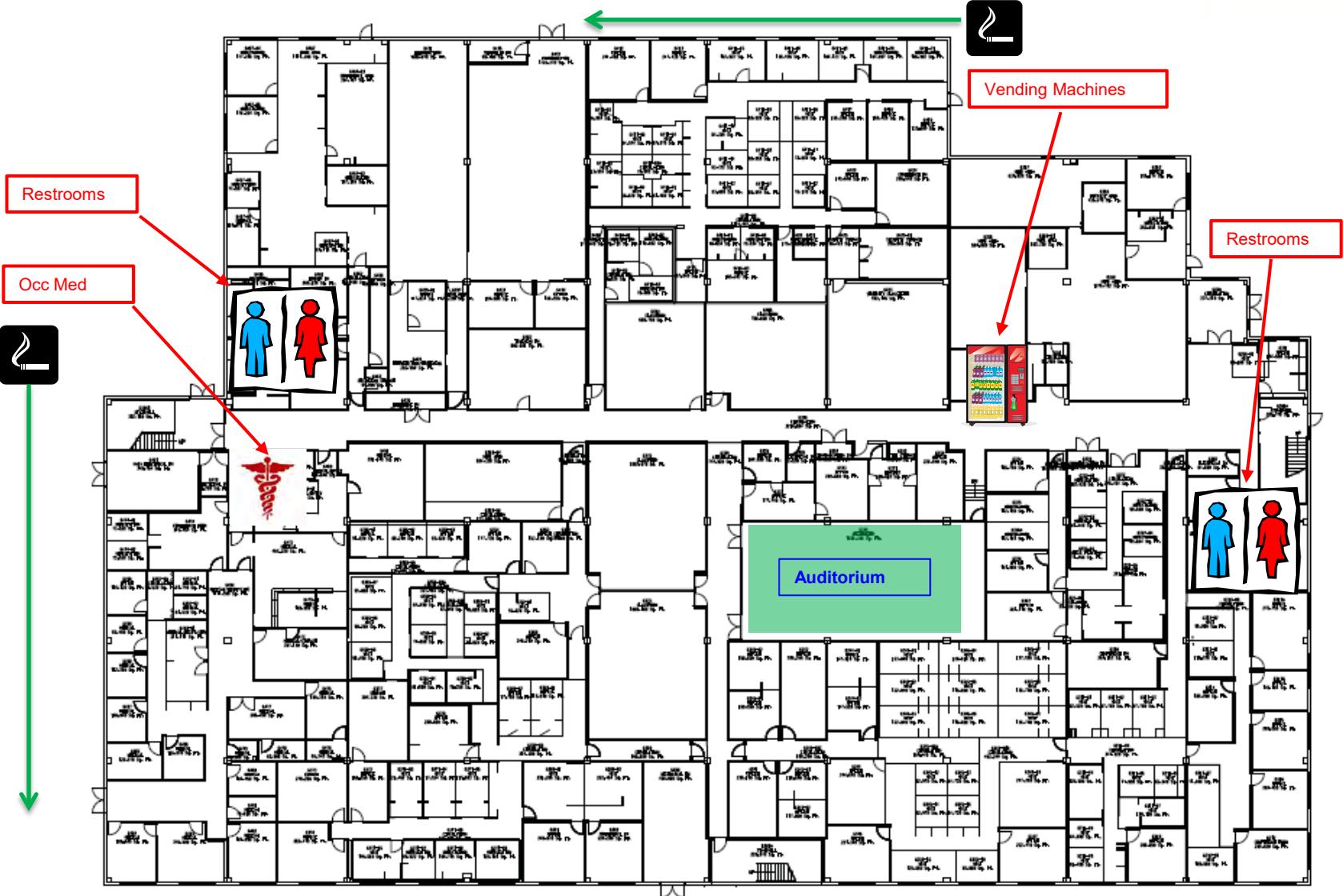
Barry Thom

**Manager, Occurrence & Regulatory Reporting
Mission Support and Test Services**

Shelter In-Place and Evacuation for C1 Auditorium



Building Information



General Information

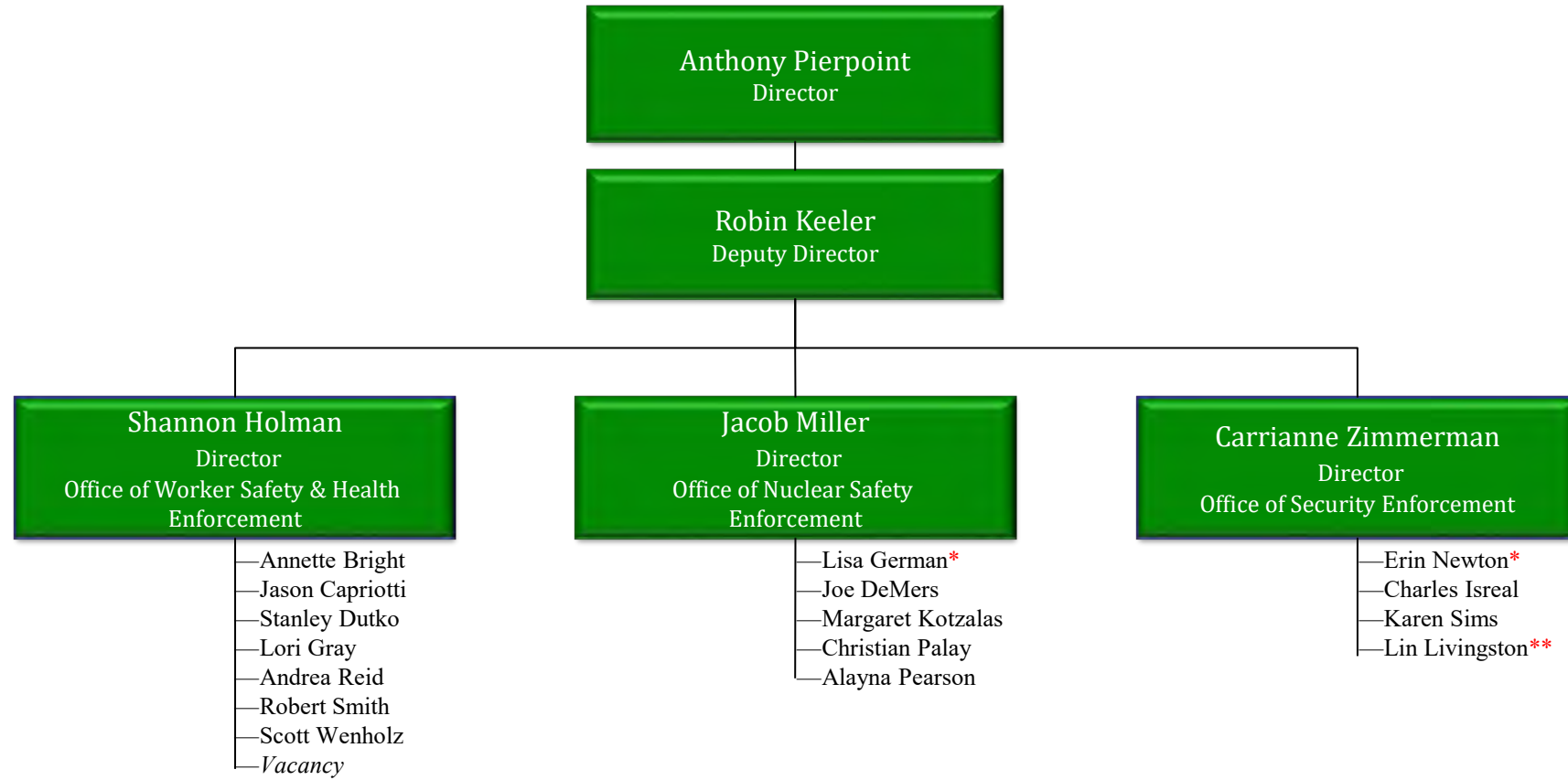
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 - Chipotle Mexican (on right at Craig)
- ▶ Your POC
 - Barry Thom– 702-249-6952



Office of Enforcement and Office of Enterprise Assessments Introductions

Anthony Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments

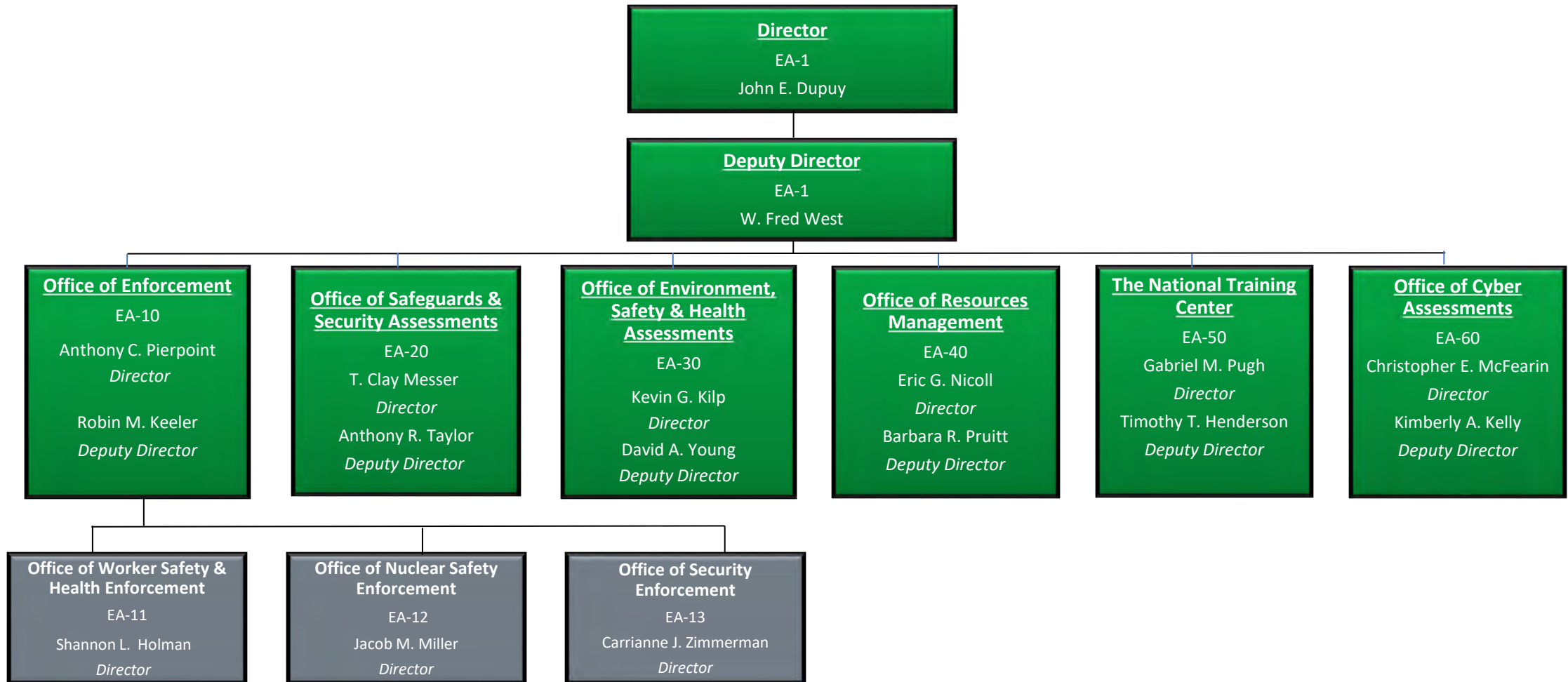
EA-10 Organization



* Denotes Contractor Administrative Support

** Denotes Contractor Support – Part-Time

EA Organization



DOE's Safety and Security Regulatory Framework

Shannon Holman

Director

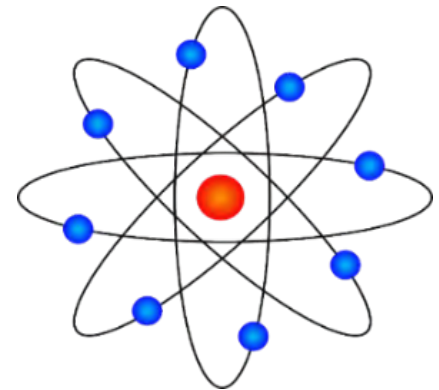
Office of Worker Safety and Health Enforcement

Office of Enforcement

Enforcement Authorities

The Atomic Energy Act authorizes the Secretary of Energy to issue civil penalties for violations related to:

- Section 234A (*Nuclear Safety*)
- Section 234B (*Information Security*)
- Section 234C (*Worker Safety and Health*)



Why Enforce?

- The Federal Government provides almost \$16.6 billion in financial protection to DOE contractors who may be liable for a nuclear incident (nuclear indemnification).
- Helps ensure contractors meet their obligations to provide a safe and healthful workplace, and
- Demonstrates that DOE and its contractors are trustworthy guardians of classified matter and information

Why Enforce? *(cont'd)*

- Promotes compliance with safety and security requirements, and
- Demonstrates to Congress and the public that DOE is capable of effective self-regulation

Enforcement Program Procedural Rules

- 10 C.F.R. Part 820, Procedural Rules for DOE Nuclear Activities, Parts 830 and 835
- 10 C.F.R. Part 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations, Parts 1016 and 1045 and applicable DOE directives
- 10 C.F.R. Part 851, Worker Safety and Health Program, Parts 850 and 851
- 10 C.F.R. Part 1017, Identification and Protection of Unclassified Controlled Nuclear Information

Additional Program Information

- ***Enforcement Process Overview:*** Provides more detailed information on program approach and implementation process.
- ***Enforcement Coordinator Handbook:*** Provides guidance and expectations on coordinator roles, noncompliance screening and reporting, discipline-specific information, and assessment and corrective action observations.
- ***Enforcement Program Overview Training:*** Provides an overview of the Enforcement program and process.

This information is located at: <http://energy.gov/ea/services/enforcement/enforcement-program-and-process-guidance-and-information>

Program Implementation

Tenets:

- Implement a framework designed to promote compliance with enforceable regulations;
- Devote limited resources to the most significant events/conditions;
- Adhere to the principles of transparency, consistency, and fairness; and
- Collaborate with DOE line management

Enforcement Philosophy

- DOE contractors are in the best position to identify and promptly correct noncompliances
- Provide incentives to promote contractor identification, evaluation, reporting, and resolution of noncompliances before events occur
- Proactive self-identification through contractor assessment processes creates the safest operations

Enforcement Approach

Incentives include:

- Discretion
- Mitigation

Mitigation for timely identification/reporting and corrective actions

- Effective corrective actions do not preclude enforcement action when warranted

Self-Reporting Expectations

- Noncompliance Tracking System (NTS) – Voluntary
- Safeguards and Security Information Management System (SSIMS) – mandatory and voluntary criteria
- Local tracking (by contractors) for noncompliances not meeting reporting criteria

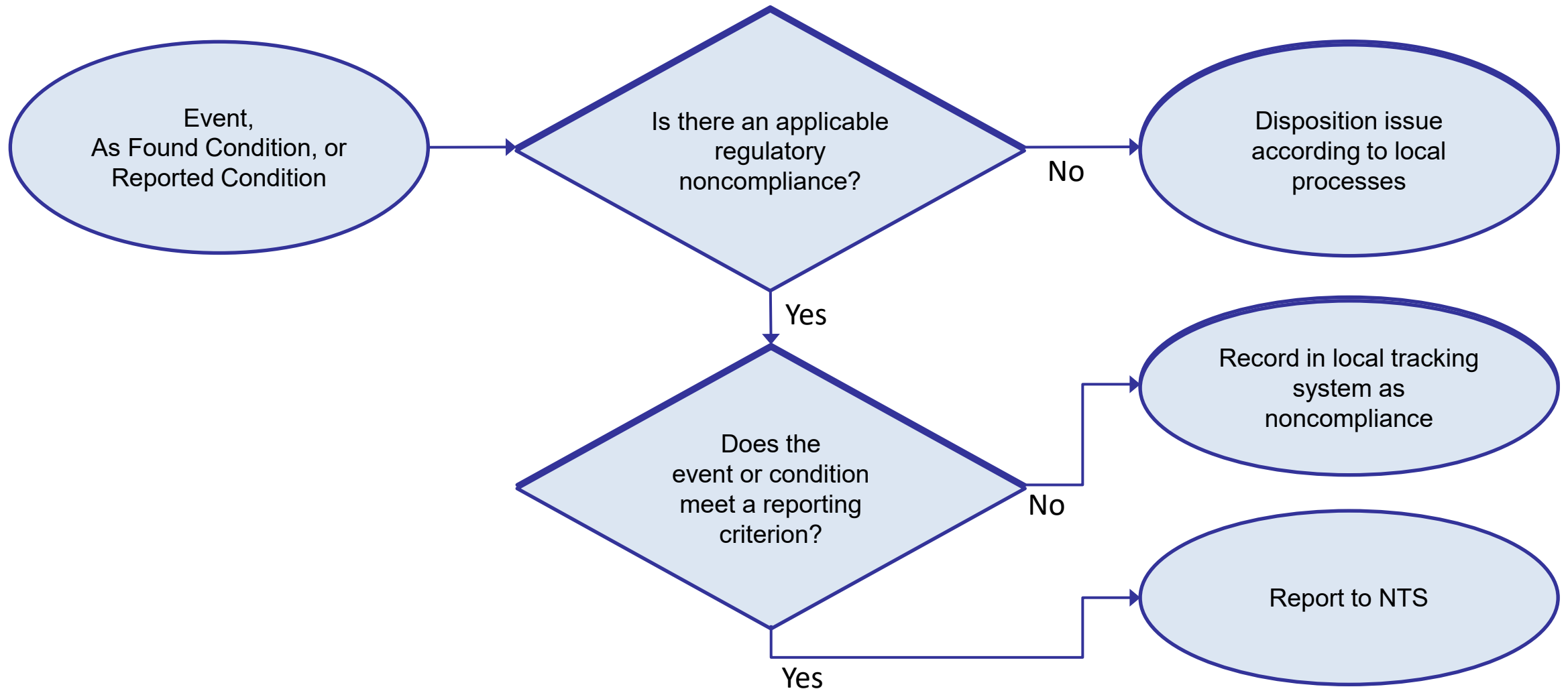
Worker Safety and Health and Nuclear Safety Noncompliance Reporting Process Overview

- Review information sources
- Screen for noncompliance(s)
- Evaluate for NTS reportability
- Investigation/causal analysis
- Corrective action development
- Track actions to completion and closure

Noncompliance Reporting

- Why report?
 - Opportunity for discretion
 - Opportunity for mitigation
 - Consideration for settlement
- Why isn't occurrence reporting sufficient?
 - NTS addresses regulatory compliance issues; not events or conditions
 - Voluntary nature of NTS supports enforcement philosophy and approach

Worker Safety and Nuclear Safety Screening Process



Security Noncompliance Reporting Process Overview

Timeframe – Maximum 5 calendar days to conduct preliminary inquiry and make initial categorization and notification

- Category A incidents – Reported in the Safeguards and Security Information Management System (SSIMS)
- Category B incidents – Optional reporting in SSIMS or reported in a local tracking system

Roles and Responsibilities of Enforcement Coordinators

Jacob Miller

Director

Office of Nuclear Safety Enforcement

Office of Enforcement

Enforcement Coordinator Roles

- Have a broad understanding of operations and activities at your site.
- Know what regulatory requirements apply to your site's operations.
- Be familiar with the procedural rules and know where to find information about enforcement program implementation.
- Understand the Department's philosophy and approach to enforcement.

Contractor Enforcement Coordinator Roles *(cont'd)*

- Oversees the noncompliance screening, evaluation, and reporting process for NTS, SSIMS and internal tracking systems.
- Evaluates noncompliances for identification of repetitive and programmatic issues.
- Understands and communicates the rationale for self-identification and reporting of noncompliances.
- Ensures completion and validation of corrective actions.

Contractor Enforcement Coordinator Roles *(cont'd)*

- Serves as the primary point-of-contact in the contractor organization for enforcement-related matters.
- Facilitates requests for information and documents (noncompliance evaluations, investigations, and assistance reviews).
- Facilitates coordination and scheduling of onsite investigations and reviews, including identifying relevant subject-matter-experts and union contacts.
- Regularly engages senior management on emerging non-compliant conditions.

DOE Enforcement Coordinator Roles *(cont'd)*

- Serves as primary point-of-contact in the site/field or program office for enforcement-related matters.
- Coordinates and reviews draft enforcement documents (investigation summaries, enforcement letters, settlement agreements, consent orders and preliminary notices of violation).
- Determines consensus position within the site/field/program element regarding safety or security significance, adequacy of investigation and corrective actions, and appropriate case outcome.
- Ensures settlement agreement and consent order commitments are met.
- Documents field office comments and recommendations for report closure into NTS.

DOE and Contractor Coordinator Roles *(cont'd)*

- Understand the enforcement investigation process and possible case outcomes;
- Actively participate in dialogue to ensure facts and technical issues are fully understood;
- Ensure management is kept informed of the status of investigations and proceedings;
- Remain cognizant of public affairs needs;
- Receive notification of impending issuance of an enforcement outcome; and
- Coordinate enforcement activity logistics.

General Enforcement Coordinator Duties and Responsibilities

- You are the “Go To” Person
 - Primary point-of-contact with the Office of Enforcement
 - Frequent and open communication
- Contractor coordinator is the liaison with the DOE site and field offices and the Office of Enforcement
- DOE (Federal) coordinator regularly communicates with both the contractor coordinator and the Office of Enforcement

General Enforcement Coordinator Duties and Responsibilities *(cont'd)*

- Access to and support of senior management
- Advise and represent management on enforcement issues
- Maintain awareness of the contractor's regulatory compliance status – noncompliance identification, tracking, trending, and reporting
- Training on-site personnel (including management)

Enforcement Staff Assigned Sites

DOE NNSA Site	Program Office	EA-11	EA-12	EA-13
Ames Laboratory	SC	Lori Gray	Joseph DeMers	
Argonne National Laboratory	SC	Andrea Reid	Margaret Kotzalas	Karen Sims
Brookhaven National Laboratory	SC	Jason Capriotti	Joseph DeMers	Karen Sims
DOE Headquarters	HQ	Stanley Dutko		Charles Isreal
East Tennessee Technology Park	EM	Andrea Reid	Joseph DeMers	
EM Consolidated Business Center <i>formerly</i> SPRU	EM	Stanley Dutko	Christian Palay	Charles Isreal
Fermi National Laboratory	SC	Scott Wenholz	Margaret Kotzalas	
Hanford - Richland	EM	Stanley Dutko	Christian Palay	Karen Sims
Hanford - River Protection	EM	Stanley Dutko	Christian Palay	Karen Sims
Idaho Cleanup Project	EM	Scott Wenholz	Margaret Kotzalas	
Idaho National Laboratory	NE	Scott Wenholz	Christian Palay	Charles Isreal
Kansas City National Security Campus	NA	Jason Capriotti	Christian Palay	Karen Sims
Lawrence Berkeley National Laboratory	NA	Robert Smith	Alayna Pearson	
Lawrence Livermore National Laboratory	NA	Scott Wenholz	Margaret Kotzalas	Charles Isreal
Legacy Management	LM	Andrea Reid		
Los Alamos National Laboratory	NA	Jason Capriotti	Margaret Kotzalas	Karen Sims
Moab UMTRA Project	EM	Lori Gray	Alayna Pearson	
National Renewable Energy Laboratory	EERE	Andrea Reid		
Nevada National Security Sites	NA	Stanley Dutko	Christian Palay	Charles Isreal
Oak Ridge National Laboratory	EM/SC	Andrea Reid	Christian Palay	Karen Sims
Office of Secure Transportation	NA	Stanley Dutko	Joseph DeMers	Charles Isreal
Pacific Northwest National Laboratory	SC	Lori Gray	Alayna Pearson	Karen Sims
Paducah Paducah Gaseous Diffusion Plant	EM	Robert Smith	Margaret Kotzalas	Charles Isreal
Portsmouth Gaseous Diffusion Plant	EM	Robert Smith	Margaret Kotzalas	Charles Isreal
Pantex Plant	NA	Jason Capriotti	Joseph DeMers	Charles Isreal
Princeton Plasma Physics Laboratory	SC	Robert Smith	Joseph DeMers	
Sandia National Laboratories	NA	Lori Gray	Joseph DeMers	Karen Sims
Savannah River Site	EM/SC	Scott Wenholz	Alayna Pearson	Charles Isreal
SLAC National Accelerator Laboratory	SC	Robert Smith	Alayna Pearson	
Southwestern Power Administration	SWPA	Stanley Dutko		
Thomas Jefferson National Acc. Laboratory	SC	Stanley Dutko	Christian Palay	
Waste Isolation Pilot Plant	EM	Lori Gray	Joseph DeMers	Charles Isreal
West Valley Demonstration Project	EM	Stanley Dutko	Margaret Kotzalas	
Y-12 National Security Complex	NA	Jason Capriotti	Alayna Pearson	Charles Isreal
Yucca Mountain Project Office		Scott Wenholz		



Safety and Security Enforcement Investigation Process

Robin Keeler

Deputy Director

Office of Enforcement

Office of Enterprise Assessments

Topics

- Enforcement and Evaluation Processes
- Case Selection Considerations
- Investigation Components
- Enforcement Conferences
- Enforcement Outcomes
- Coordinator Roles

Resources

- Enforcement Process Overview (EPO)
- Enforcement Coordinator Handbook (ECH)
- NTC Learning Nucleus Training Course:

HQ-150DE: DOE Safety and Security Enforcement Program Overview

- These resources are found at:

<https://www.energy.gov/ea/enforcement-program-information-and-training>

Poll

How long have you been an enforcement coordinator?

- A. More than 3 years
- B. More than 1 year
- C. Between 6 months and 1 year
- D. Less than 6 months

Enforcement Process

- Enforcement staff are assigned sites to monitor
- Review and evaluate performance and compliance information from numerous sources
- Pursue cases of significance
- Use incentives for issues that are self-identified and effectively resolved

Information Sources

- Events
- ORPS and injury reports (CAIRS, OSHA logs)
- Accident investigations
- Nonconformance reports
- Radiological deficiency reports
- Employee concerns
- Self-assessments, corporate assessments
- External assessments (site/program office, EA, IG, GAO, DNFSB)
- Local Security Surveys
- Security Inquiries
- Security Incident Trending and Analysis



Evaluation Process

In most cases, enforcement staff determine that safety or security significance is low or limited and there are no other factors leading to a need for further investigation

In some cases, enforcement staff may request additional information

Case Selection Considerations

- Actual/potential safety or security significance
- Contractor performance history/trends
- Isolated event or systemic problem
- Level of management involvement
- Prompt identification/reporting
- Comprehensive corrective actions
- Willfulness or record falsification
- DOE line management input

Enforcement Options

- Exercise discretion; track to closure
- Advisory Note
- Consider issuance of an Enforcement Letter
- Conduct a fact-finding visit
- Recommend formal investigation

Notification of Decision to Investigate

Contractor is notified
by formal letter:
**Notice of
Investigation**
Separate letters for
any subcontractors
subject to
investigation

Requirement to
segregate
investigation-related
costs in accordance
with the Major Fraud
Act (for contractors
with a covered
contract)

Request for
documents typically
sent shortly after
letter is issued

Notice of
Investigation letters
posted to EA website
until case is
concluded

Notice of Investigation Letters

Office of Enterprise Assessments

November 14, 2023
Notice of Intent to Investigate, Lawrence Livermore National Security, LLC
 Related to the deficiencies in implementing the LJA quality assurance program at Lawrence Livermore National Laboratory. **Investment: NUCLEAR SAFETY**

September 11, 2023
Notices of Intent to Investigate, East Tennessee Mechanical Contractors, Inc., and The Davey Tree Expert Company (DBA Cortese Tree Specialists)
 Related to a worker's fatal injury at the Oak Ridge Reservation Central Training Facility in Oak Ridge, Tennessee. **Investment: WORKER SAFETY**

August 23, 2023
Notices of Intent to Investigate, Mid-America Conversion Services LLC, Construction Safety Consultants, Inc., and Omni Services, Inc.
 Related to a potential overexposure event at the Diplomat Petroleum Refineries Converters on Facility in Paducah, Kentucky. **Investment: NUCLEAR SAFETY**

August 16, 2023
Notices of Intent to Investigate, Fermi Research Alliance LLC, Whittaker Construction & Excavation, Inc., Nucor Harris Rebar Midwest, LLC, and Harris Rebar Placing, LLC
 Related to a serious fall injury at the Fermi National Accelerator Laboratory. **Investment: WORKER SAFETY**

August 7, 2023
Notice of Intent to Investigate, Consolidated Nuclear Security, LLC
 Related to the loss of critically fissile material at Y-12 National Security Complex. **Investment: NUCLEAR SAFETY**

July 26, 2023
Notice of Intent to Investigate, National Technology and Engineering Solutions of Sandia, LLC
 Related to a worker hand injury (finger amputation) at the Sandia National Laboratories Weapons Evaluation Test Laboratory at the Pantex Plant. **Investment: WORKER SAFETY**

May 25, 2023
Notices of Intent to Investigate, Idaho Environmental Coalition, LLC and American Equipment, Inc.
 Related to uncontrolled exposure to potential dangerous levels of carbon monoxide at the Idaho Chemical Project. **Investment: WORKER SAFETY**

April 18, 2023
Notice of Intent to Investigate, APTIM - North Wind Construction JV, LLC
 Related to a hand injury (finger amputation) event at the Y-12 National Security Complex. **Investment: WORKER SAFETY**



Investigation Components



Document Review



Onsite Interviews



Onsite Out brief



Investigation Summary Issued

- Potential violations and regulatory considerations



Enforcement Conference



Enforcement Outcome

Investigation Summary

- Enforcement develops an **Investigation Summary**
- Investigation Summary contains:
 1. Potential violations
 2. Regulatory considerations
 3. Enforcement conference recommendation
- Investigation Summary is provided to DOE Program and Field Office for **factual accuracy review**
- Investigation Summary report is marked Controlled Unclassified Information (CUI) when developed and issued due to its pre-decisional nature

Enforcement Conference

- Investigation summary and transmittal letter may recommend an enforcement conference
- Purpose is to:
 - **Confirm or dispute facts** contended in investigation summary
 - **Discuss potential violations, causes, and safety significance**
 - Discuss **status of corrective actions**
- Contractor can waive an enforcement conference
- Conference may be held onsite or at DOE Headquarters

Post Conference DOE Meeting

- **Office of Enforcement and DOE line management representatives meet** to discuss:
 - Observations about case significance and contractor handling of issues
 - Options for path forward
- No final decisions at this point
- Office of Enforcement continues to consult DOE line management as outcome options are discussed and an outcome document is developed

Enforcement Outcomes

Enforcement Outcomes

- Enforcement Letter
- Consent Order/Settlement Agreement
- Notice of Violation (PNOV, FNOV)
- Compliance Order
- Special Report Order (Nuclear Safety only)



*** The NNSA Administrator issues PNOVs, FNOVs, and SROs for NNSA contractors after considering the recommendation of the Director.**

Enforcement Letters

- **Not an enforcement action**
- Used to communicate Office of Enforcement view on potential noncompliance matters - positive and negative
- Intended to direct contractors to the desired level of safety or security performance
- **Coordinated with DOE Program and Field Office**
- Signed and issued by the Director of Enforcement for NNSA and non-NNSA contractors
- Should **not be used as punitive measures** in contractor performance evaluations (underlying issues may be addressed)



Consent Order/Settlement Agreement

- Document developed by Office of Enforcement is coordinated with DOE line management
- In addition to monetary remedy, may include required action items
- Document with proposed settlement terms is provided to contractor for review
- Document is marked Controlled Unclassified Information (CUI) until it is signed by the Director of Enforcement

Consent Order/Settlement Agreement (cont'd)

- For **NNSA contractors**, agreement is **co-signed by Director of Enforcement and NNSA Administrator**
- Signed document is transmitted to contractor for signature within one week of receipt
- Failure to fulfill terms of agreement is enforceable

Request for Consent Order/Settlement

- **Timeliness** in requesting settlement is a key consideration; should come before onsite investigation occurs
- Settlement request must provide contractor's justification for settlement; see the Enforcement Process Overview
- **Typically include remedies**

Preliminary Notice of Violation (PNOV)

- Identifies specific **regulatory violations**
- **Identifies severity level for each violation** and proposed penalty, including amount of mitigation
- Violations can be evaluated in the aggregate and a single (higher) severity level assigned
- Civil penalties can be assessed on a per day basis for each violation
- Base civil penalty amounts were adjusted for inflation effective February 3, 2014

Notices of Violation

- Contractor is obligated to respond within a specified time frame
- If the contractor does not reply within the specified time or chooses to not contest the PNOV, the Director sends the contractor a letter that deems the PNOV a Final Order
- Response to PNOV will determine whether a Final Notice of Violation (FNOV) is issued
- PNOVs are accompanied by issuance of a Press Release or Fact Sheet
- Appeal processes for Final Notices differ by rule/discipline

Notices of Violation (cont'd)

- Worker Safety and Health Notices of Violation may include civil penalties or contract fee reductions but not both
- Notices of Violation for NNSA contractors are issued by the NNSA Administrator subsequent to a recommendation from the Director of Enforcement

Severity Level Determination

Considers the following:

- Actual or potential impact on safety (primary consideration)
- Culpability of contractor
- Duration of violation
- History of similar violations
- Isolated or multiple occurrences
- Position, training and experience of individual(s) involved
- Prior notice of potential problem
- Willful violations
- Other contributing factors

Mitigation/Escalation Factors

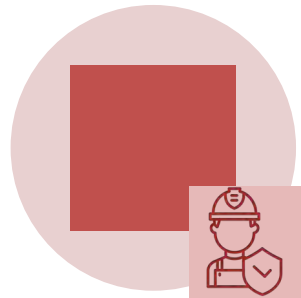


Prompt identification and reporting by contractor
(up to 50% decrease in penalty)



Timeliness and effectiveness of corrective actions
(can  decrease or increase  penalty up to 50%)

Process Differences




Worker Safety and Health Notices of Violation may include civil penalties or contract fee reductions but not both



Notices of Violation for **NNSA contractors are issued by the NNSA Administrator** subsequent to a recommendation from the Director of Enforcement

Severity Levels and Civil Penalties: 2024

					
		Worker Safety & Health	Nuclear Safety	Classified Information Security	
Severity	Level I	\$118,000 (100%)	\$255,000 (100%)	\$182,000 (100%)	
	Level II	\$59,000 (50%)	\$127,500 (50%)	\$91,000 (50%)	
	Level III	Does not apply	\$25,500 (10%)	\$18,200 (10%)	

- See appendices to the Procedural Rules for descriptions of Severity Levels
- Penalties can be assessed on a per violation, per day basis.
- Base civil penalty amounts are adjusted annually for inflation
- Additional information on civil penalties can be found

at: <https://www.energy.gov/ea/enforcement-program-information-and-training>

Other Outcomes



Special Report
Order



Compliance Order

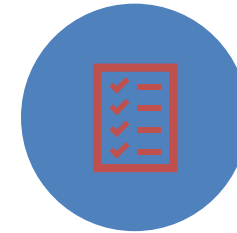
Special Report Order



- Applies only to Nuclear Safety issues (10 CFR 820.8)
- **Not an enforcement action**
- Requires the submission of information relating to a DOE Nuclear Safety requirement and may require written response to questions
- Signed by the Director of Enforcement or NNSA Administrator

Compliance Order

- Applies to all three enforcement disciplines
- Issued by the **Secretary of Energy**
- Identifies and mandates a remedy for a situation violating or potentially violating the Atomic Energy Act or a regulatory requirement
- Is **typically accompanied by a PNOV**
- Failure to comply is also enforceable



Recap of Noncompliance Evaluation Outcomes

- Track to Closure
- Enforcement Letter
- Settlement Agreement/Consent Order
- Notice of Violation (Preliminary or Final)
- Special Report Order (Nuclear Safety only)
- Compliance Order



Questions?

<https://www.energy.gov/ea/enforcement-program-information-and-training>



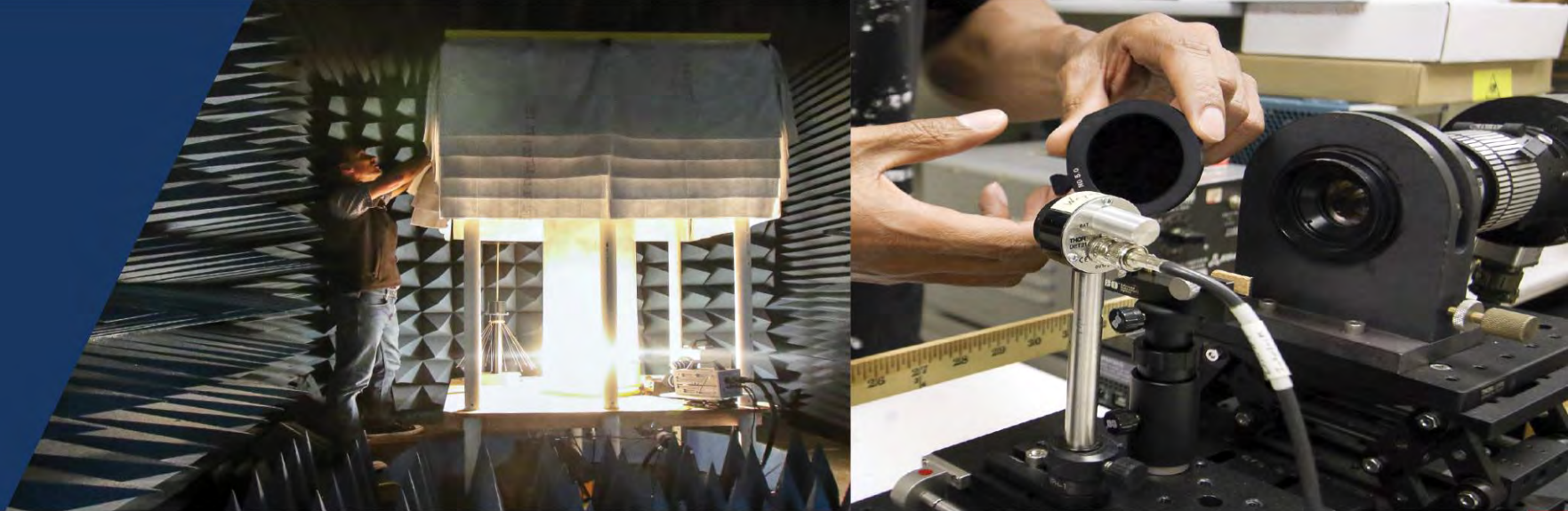
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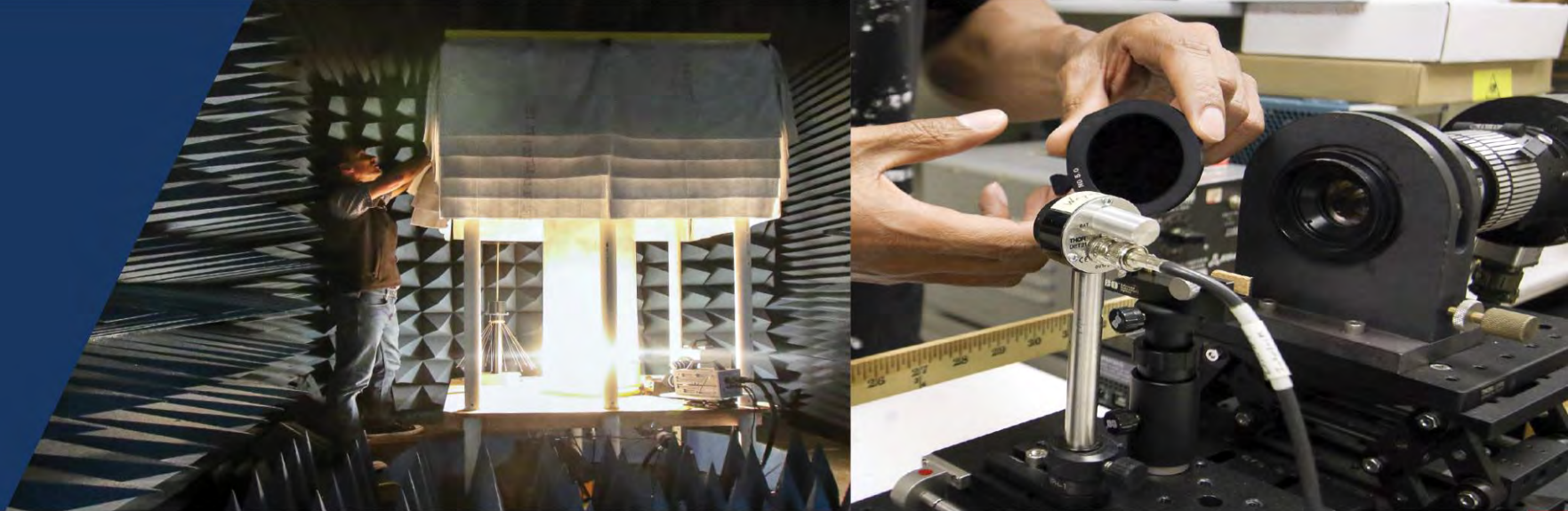


Welcome...



Garrett Harencak
President
Mission Support and Test Services

May 7, 2024

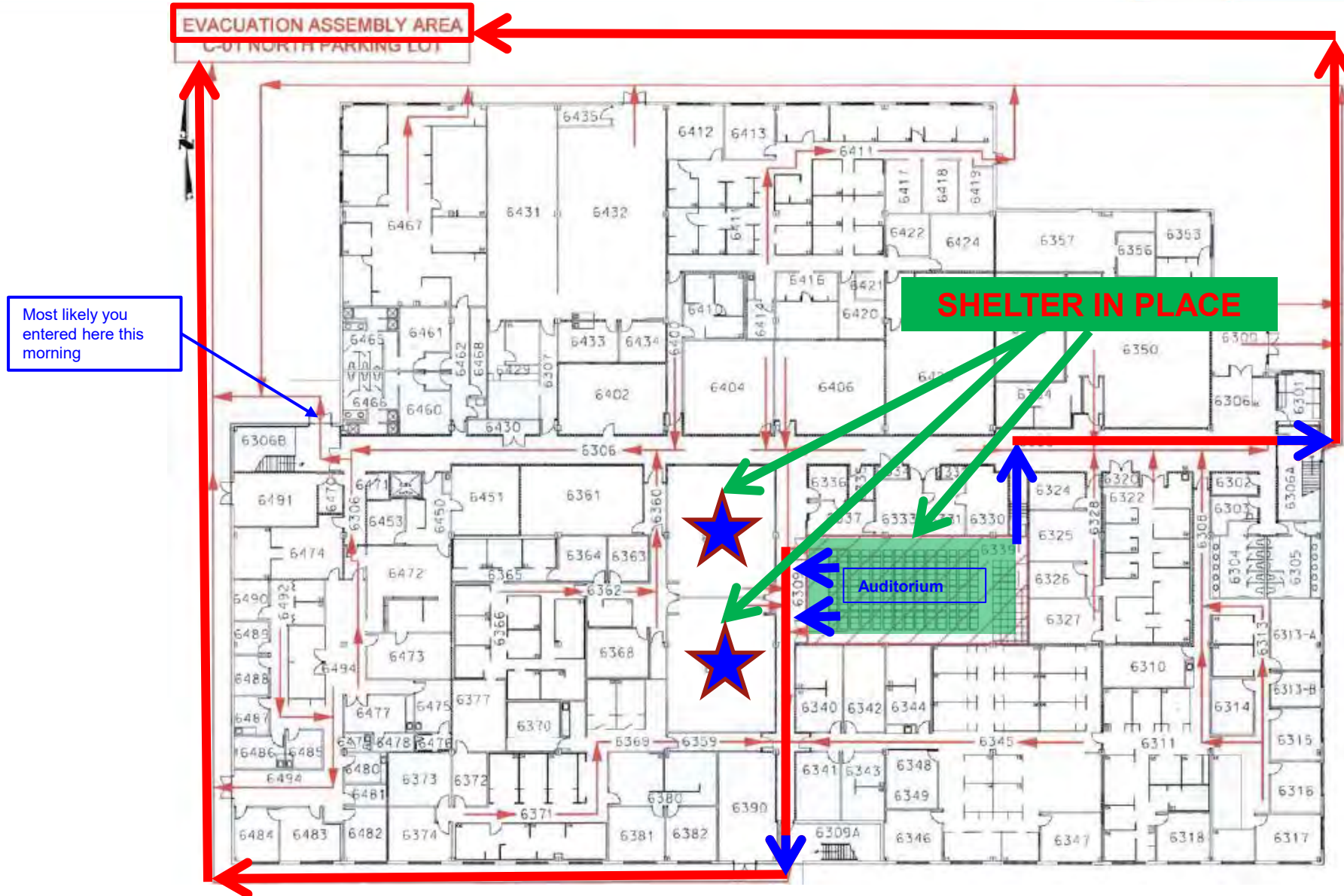


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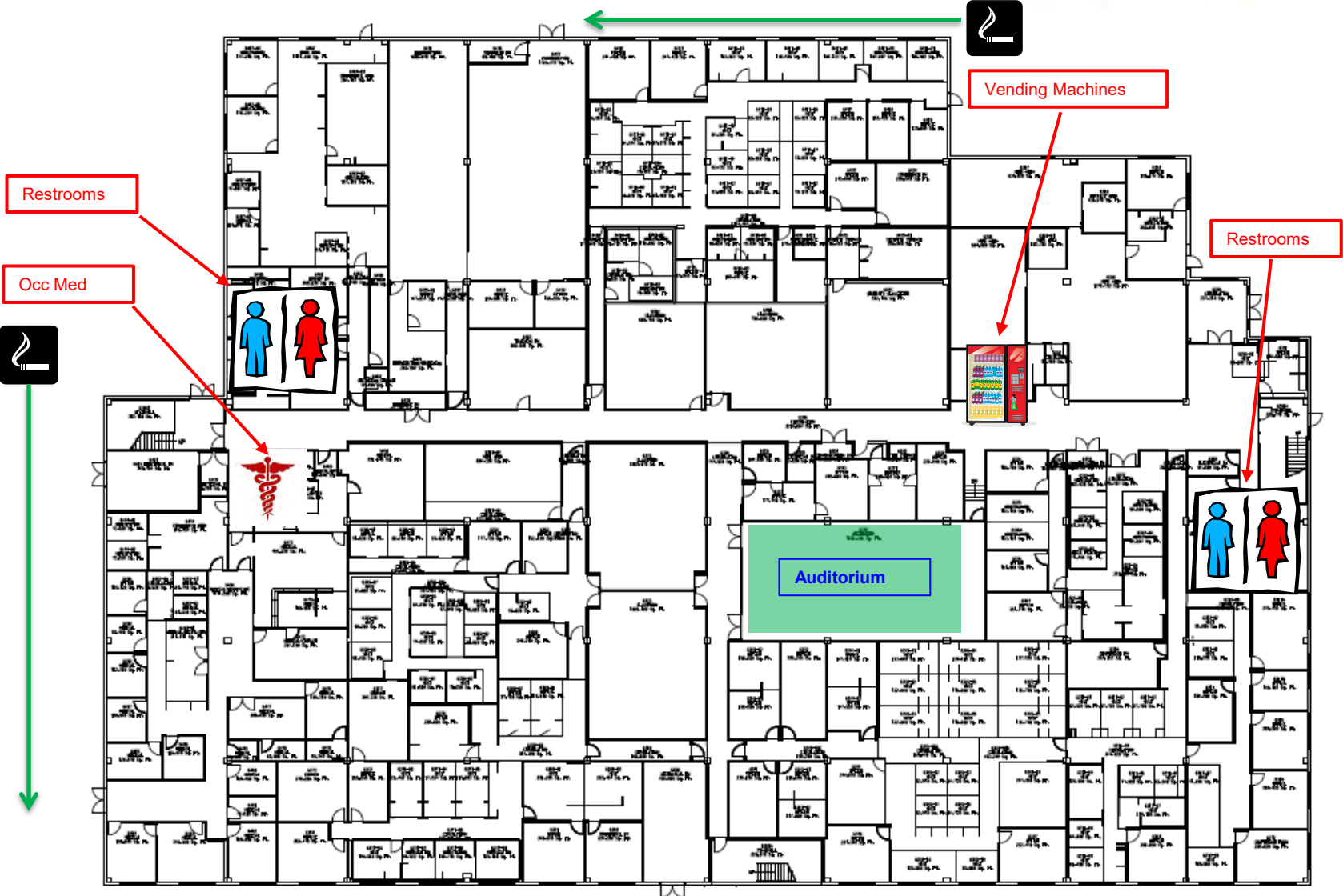
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 - Famous Dave's Barbeque (on right at Craig)
 - Chipotle Mexican (on right at Craig)
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 - Barry Thom– 702-249-6952

Agenda

May 7, 2024

8:00 - 8:10	Office of Enforcement Welcome	Anthony Pierpoint, Director, Office of Enforcement
8:10 - 8:30	Welcome and Logistics	Garrett Harencak, President, Mission Support and Test Services, LLC Barry Thom, Enforcement Coordinator, Mission Support and Test Services, LLC
8:30 - 9:00	Opening Remarks	John Dupuy, Director, Office of Enterprise Assessments William "Fred" West, Deputy Director, Office of Enterprise Assessments
9:00 - 9:30	Office of Enforcement Program Update	Anthony Pierpoint, Director, Office of Enforcement
9:30 - 10:00	Break	
10:00 - 10:45	Worker Safety and Health Enforcement Program Update	Shannon Holman, Director, Office of Worker Safety and Health Enforcement
10:45 - 11:30	Nuclear Safety Enforcement Program Update	Jacob Miller, Director, Office of Nuclear Safety Enforcement
11:30 - 1:00	Lunch	
1:00 - 1:30	Security Enforcement Program Update	Carrienne Zimmerman, Director, Office of Security Enforcement
1:30 - 2:00	EFCOG News and Update	Kathy Brack, EFCOG Regulatory & Enforcement Subgroup Co-Chair, Consolidated Nuclear Security, LLC
2:00 - 2:30	Accident Investigation	Stephen Wallace, Senior Advisor, Chief of Defense Nuclear Safety (ESH-21)
2:30 - 3:00	Defense Nuclear Facility Safety Board Perspectives	Joyce Connery, Chair, Defense Nuclear Facility Safety Board
3:00 - 3:30	Break	
3:30 - 5:00	Case Studies Worker Safety and Health	Room 6339
	Case Studies Nuclear Safety	Room 6375
	Case Studies Information Security	Room 6510

Agenda

May 8, 2024

8:00 - 8:10	Office of Enforcement Welcome Back	Anthony Pierpoint, Director, Office of Enforcement
8:10 - 8:30	Whistleblower Protection Provisions	Robin Keeler, Deputy Director, Office of Enforcement
8:30 - 9:00	DOE Employee Concerns Program	James Hutton, Director, Employee Workplace Programs Office of Environment, Health, Safety and Security
9:00 - 9:30	Worker Safety and Health Policy News and Update	James Dillard, Director, Office of Worker Safety and Health Policy Office of Environment, Health, Safety and Security
9:30 - 10:00	Break	
10:00 - 10:30	Regulatory Program Assistance Review Discussion	Carrienne Zimmerman, Director, Office of Security Enforcement
10:30 - 11:00	Security Enforcement Presentation - 470.4B Changes	Alan Johnson, IOSC Program Manager, Pacific Northwest National Laboratory
11:00 - 11:45	Phase 1 - Performance Monitoring and Noncompliance Sources	Jason Capriotti, Enforcement Officer, EA-11 Joseph Demers, Enforcement Officer, EA-12 Linwood Livingston, Contractor, EA-13 Heath Garrison, Enforcement Coordinator, NREL

Agenda *(cont'd)*

May 8, 2024

11:45 - 1:15	Lunch	
1:15 - 2:00	Phase 2 - Noncompliance Screening, Identification, and Tracking Systems	<p>Stanley Dutko, Enforcement Officer, EA-11</p> <p>Christian Palay, Enforcement Officer, EA-12</p> <p>Karen Sims, Enforcement Officer, EA-13</p> <p>Tracy Chance, Enforcement Coordinator, Oak Ridge National Laboratory</p>
2:00 - 2:45	Phase 3 - Noncompliance Tracking System and SSIMS Reporting and Closeout	<p>Robert Smith, Enforcement Officer, EA-11</p> <p>Margaret Kotzalas, Enforcement Officer, EA- 12</p> <p>Charles Isreal, Enforcement Officer, EA-13</p> <p>Tamara Baldwin, Enforcement Coordinator, Savannah River Nuclear Solutions</p>
2:45 - 3:15	Break	
3:15 - 4:45	Case Studies Worker Safety and Health	Room 6339
	Case Studies Nuclear Safety	Room 6375
	Case Studies Information Security	Room 6510
4:45 - 5:00	Feedback and Closing	Anthony Pierpoint, <i>Director, Office of Enforcement</i>

Opening Remarks

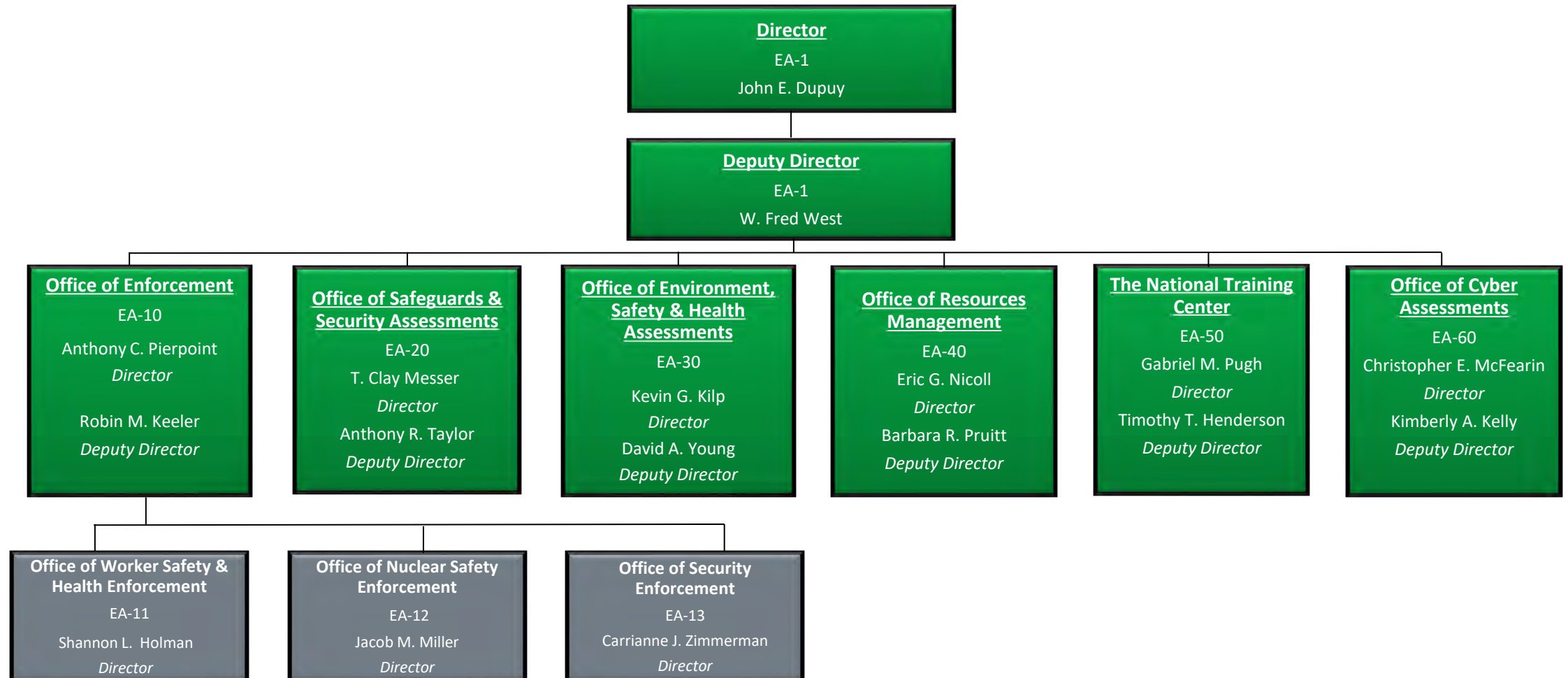
John E. Dupuy
Director

Office of Enterprise Assessments

William “Fred” West
Deputy Director

Office of Enterprise Assessments

EA Organization





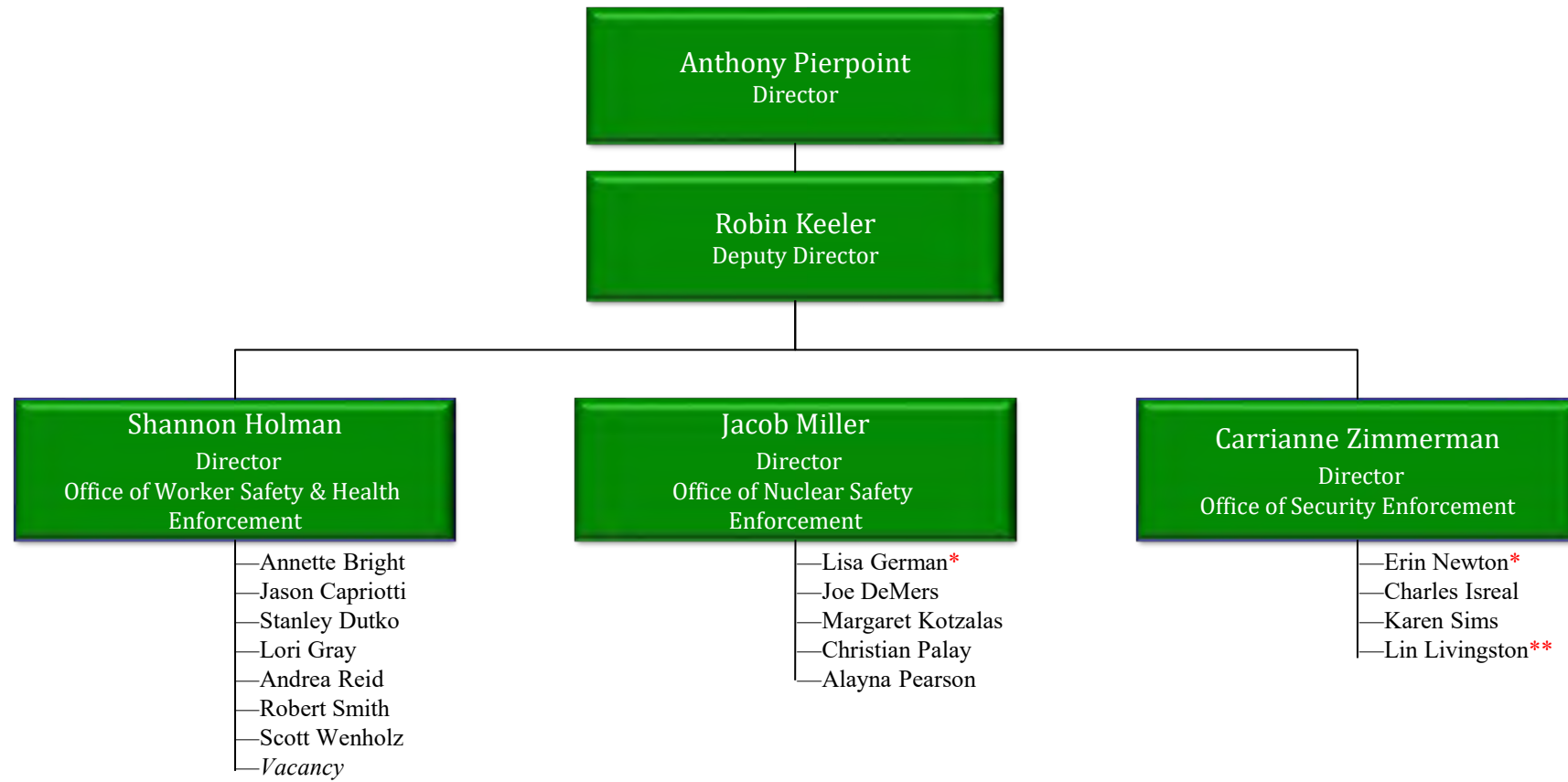
Office of Enforcement Program Update

Anthony Pierpoint
Director
Office of Enforcement

Enforcement Overview

- Organization
- Streamlining Effort
- NTS Update
- Enforcement Cases
- Enforcement Process

EA-10 Organization

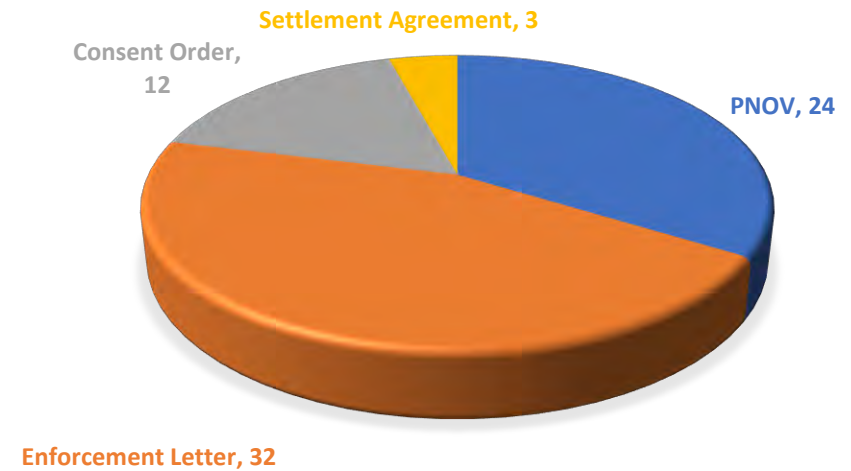
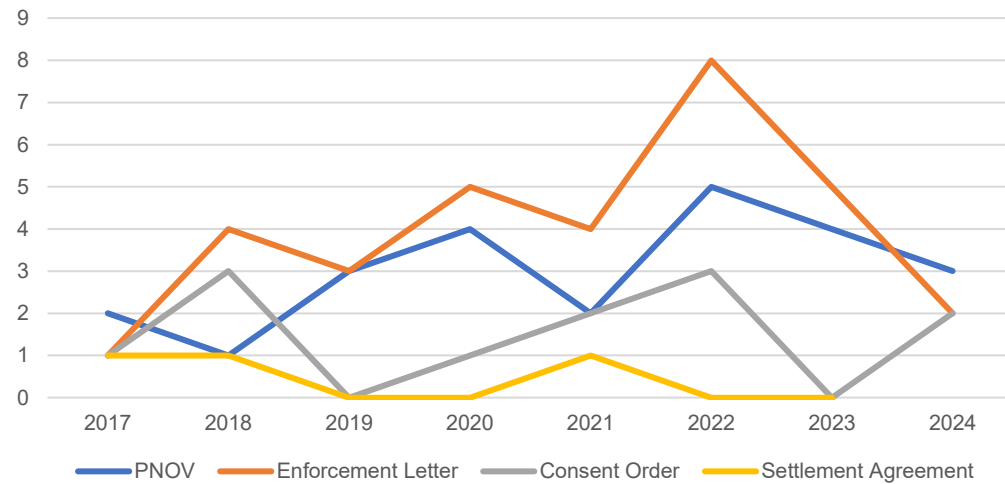
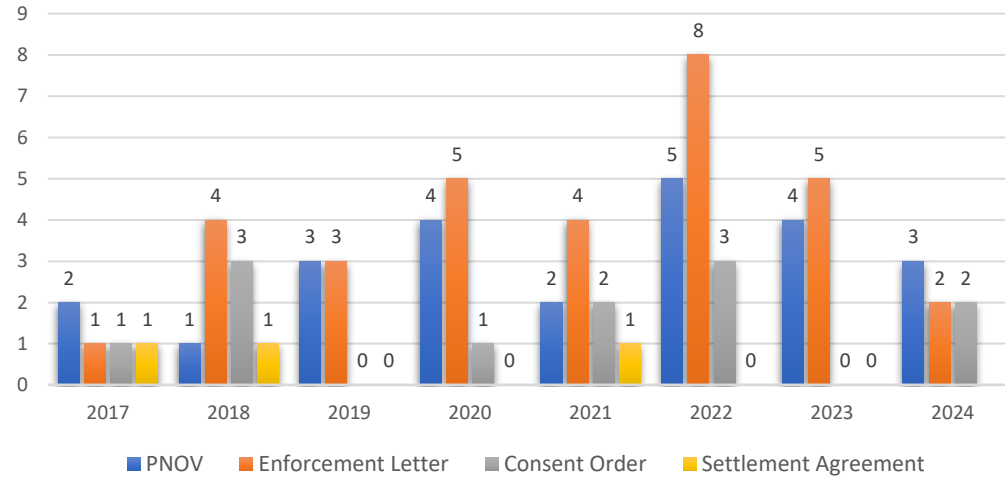


* Denotes Contractor Administrative Support ** Denotes Contractor Support Part-Time

Enforcement Activities

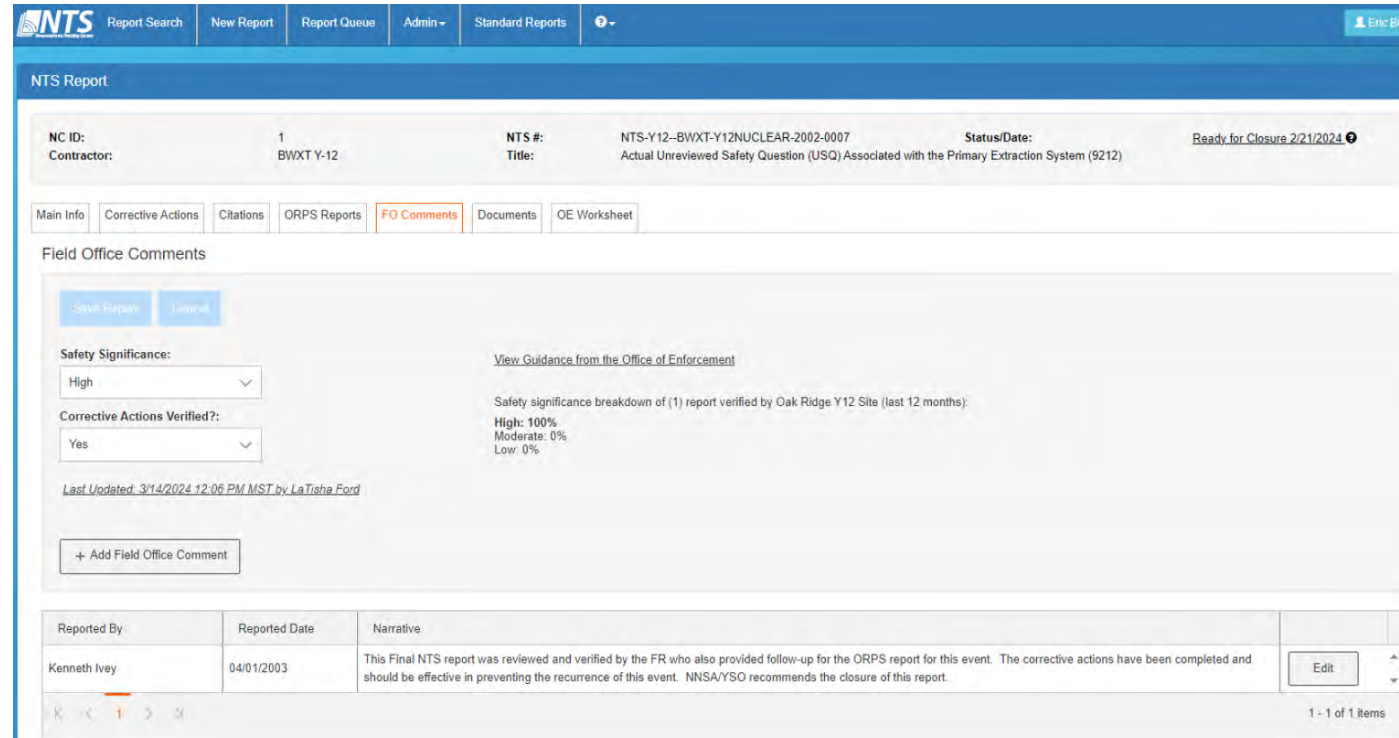
- Enforcement Cases Closed - 15
 - Preliminary Notices of Violation – 6
 - Consent Orders/Settlement Agreements – 2
 - Enforcement Letters – 7
- New Cases - 9
 - Fatality
 - Fall
 - Chemical Exposure
 - Impact Injury (2)
 - Radiological Contamination
 - Criticality Safety
 - Quality Assurance
 - Unauthorized Device

Seven-Year Trending Analysis



NTS

- Report Search Options
- FO Review – Functionality
 - Safety Significance
 - Verification Decision



NTS Report Search New Report Report Queue Admin Standard Reports Eric B

NTS Report

NC ID: 1 Contractor: BWXT Y-12 NTS #: NTS-Y12-BWXT-Y12NUCLEAR-2002-0007 Status/Date: Ready for Closure 2/21/2024
Title: Actual Unreviewed Safety Question (USQ) Associated with the Primary Extraction System (9212)

Main Info Corrective Actions Citations ORPS Reports **FO Comments** Documents OE Worksheet

Field Office Comments

Search Filter Cancel

Safety Significance: High [View Guidance from the Office of Enforcement](#)

Corrective Actions Verified?: Yes

Safety significance breakdown of (1) report verified by Oak Ridge Y12 Site (last 12 months):
High: 100%
Moderate: 0%
Low: 0%

Last Updated: 3/14/2024 12:06 PM MST by LaTisha Ford

+ Add Field Office Comment

Reported By	Reported Date	Narrative	
Kenneth Ivey	04/01/2003	This Final NTS report was reviewed and verified by the FR who also provided follow-up for the ORPS report for this event. The corrective actions have been completed and should be effective in preventing the recurrence of this event. NNSA/YSO recommends the closure of this report.	Edit

1 - 1 of 1 items

Questions?

BREAK

9:30 – 10:00



Worker Safety and Health Enforcement Program Update

Shannon Holman

Director

Office of Worker Safety and Health Enforcement

Overview

Office of Worker Safety and Health Enforcement

- EA-11 Staffing
- Notice of Intent to Investigate/Investigations
- Enforcement Outcomes
- Enforcement Case Summaries
- Notable Observations

EA-11 Staffing

Shannon Holman
Director
Office of Worker Safety and Health Enforcement

- Annette Bright, Management Analyst
- Jason Capriotti, Enforcement Officer
- Stanley Dutko, Enforcement Officer
- Lori Gray, Enforcement Officer
- Andrea Reid, Enforcement Officer
- Robert Smith, Enforcement Officer
- Scott Wenholz, Enforcement Officer
- Vacancy – Enforcement Officer*



Notice of Intent to Investigate (FY 23-Present)



Site Contractor	Program Office	Title	Date	Investigation Date
LANL Newport News Nuclear BWXT Los Alamos	EM	Worker Heat Exhaustion Event	November 22, 2022	January 31-February 2, 2023
SLAC National Accelerator Laboratory Stanford University	SC	Arc Flash Injury Event	February 24, 2023	April 18-20, 2023
SRS Savannah River Nuclear Solutions, LLC	EM	Hand Injury (Finger Amputation) Event	March 23, 2023	June 6-8, 2023
OREM APTIM – North Wind Construction JV, LLC	EM	Hand Injury (Finger Amputation) Event	April 14, 2023	No investigation, straight to outcome document.
ICP Idaho Environmental Coalition, LLC	EM	Uncontrolled Exposure to Potentially Dangerous Levels of Carbon Monoxide	May 23, 2023	August 29-31, 2023
ICP American Equipment, Inc.	EM	Uncontrolled Exposure to Potentially Dangerous Levels of Carbon Monoxide	May 23, 2023	August 29-31, 2023
SNL National Technology and Engineering Solutions of Sandia, LLC	NNSA	Worker Hand Injury (Finger Amputation) Event	July 26, 2023	October 2-4, 2023

Notice of Intent to Investigate (FY 23-Present) *(cont'd)*

Site Contractor	Program Office	Title	Date	Investigation Date
FNAL Fermi Research Alliance LLC	SC	Serious Fall Injury	August 14, 2023	October 31-November 2, 2023
FNAL Whittaker Construction & Excavation, Inc.	SC	Serious Fall Injury	August 14, 2023	October 31-November 2, 2023
FNAL Nucor Harris Rebar Midwest, LLC	SC	Serious Fall Injury	August 14, 2023	October 31-November 2, 2023
FNAL Harris Rebar Placing, LLC	SC	Serious Fall Injury	August 14, 2023	October 31-November 2, 2023
Paducah Gaseous Diffusion Plant Mid-America Conversion Services, LLC	EM	Potential Overexposure to Toluene Event	August 21, 2023	October 17-19, 2023
Paducah Gaseous Diffusion Plant Construction Safety Consultants, Inc	EM	Potential Overexposure to Toluene Event	August 21, 2023	October 17-19, 2023
Paducah Gaseous Diffusion Plant Omni Services, Inc	EM	Potential Overexposure to Toluene Event	August 21, 2023	October 17-19, 2023

Notice of Intent to Investigate (FY 23-Present) *(cont'd)*

Site Contractor	Program Office	Title	Date	Investigation Date
Oak Ridge East Tennessee Mechanical Contractors, Inc.	SC	Tree Care Fatality	September 8, 2023	November 14-16, 2023
Oak Ridge The Davey Tree Expert Company	SC	Tree Care Fatality	September 8, 2023	November 14-16, 2023
Oak Ridge UT-Battelle, LLC	SC	Telehandler Injury	January 10, 2024	April 2-5, 2024
Oak Ridge The Whiting-Turner Contracting Company	SC	Telehandler Injury	January 10, 2024	April 2-5, 2024
Oak Ridge BESCO-Engert	SC	Telehandler Injury	January 10, 2024	April 2-5, 2024
NNSS Mission Support and Test Services, LLC.	NNSA	Two Ground Fall Events	February 2, 204	March 5-7, 2024

Site Contractor	Program Office	Type	Title	Date
LANL Centerra-Los Alamos	NNSA	PNOV/FNOV	Live Fire Near Miss Event	October 6, 2022
KCNSC Honeywell FM&T, LLC	NNSA	CO	Nitrogen Asphyxiation Event	November 7, 2022
WIPP Nuclear Waste Partnership, LLC	EM	PNOV	Hand Injury (Amputation) Event	November 14, 2022
LBNL Advanced Industrial Services, Inc.	SC	PNOV	Abrasive Blasting Injury Event	December 15, 2022
LBNL The Regents of the University of California	SC	CO	Five Significant Safety Events	December 15, 2022
LBNL Superior Tank Solutions, Inc.	SC	EL	Abrasive Blasting Injury Event	December 15, 2022
NNSS Mission Support and Test Services, LLC	NNSA	CO	Worker Exposures to Toxic Gases and Potentially an Oxygen Deficient Atmosphere	December 19, 2022



Issued Enforcement Documents (FY 23-Present) *(cont'd)*



Site Contractor	Program Office	Type	Title	Date
Moab North Wind Portage, Inc.	EM	PNOV	Bulldozer Track Roller Hand Injury (Amputation) Event	February 8, 2023
KSNSC Honeywell FM&T	NNSA	EL	Heat Stress Requirements and Unsafe Conditions	June 14, 2023
NNSS Mission Support and Test Services, LLC	NNSA	EL	Vehicle Fire and Employee Injury in the Motor Pool Maintenance Facility	June 16, 2023
LANL Newport News Nuclear BWXT Los Alamos	EM	PNOV	Worker Heat Stress Event	December 21, 2023
OREM APTIM – North Wind Construction JV, LLC	EM	EL	Hand Injury (Finger Amputation) Event	January 4, 2024
SLAC National Accelerator Laboratory Stanford University	SC	PNOV	High-Voltage Electrical Shock	January 9, 2024
ICP Idaho Environmental Coalition, LLC	EM	EL	Uncontrolled Exposure to Potentially Dangerous Levels of Carbon Monoxide	January 31, 2024

Issued Enforcement Documents (FY 23-Present) (*cont'd*)

Site Contractor	Program Office	Type	Title	Date
SRS Savannah River Nuclear Solutions, LLC	EM	PNOV	Hand Injury (Finger Amputation) Event	April 3, 2024
SNL National Technology and Engineering Solutions of Sandia, LLC	NNSA	CO	Worker Hand Injury (Finger Amputation) Event	April 12, 2024

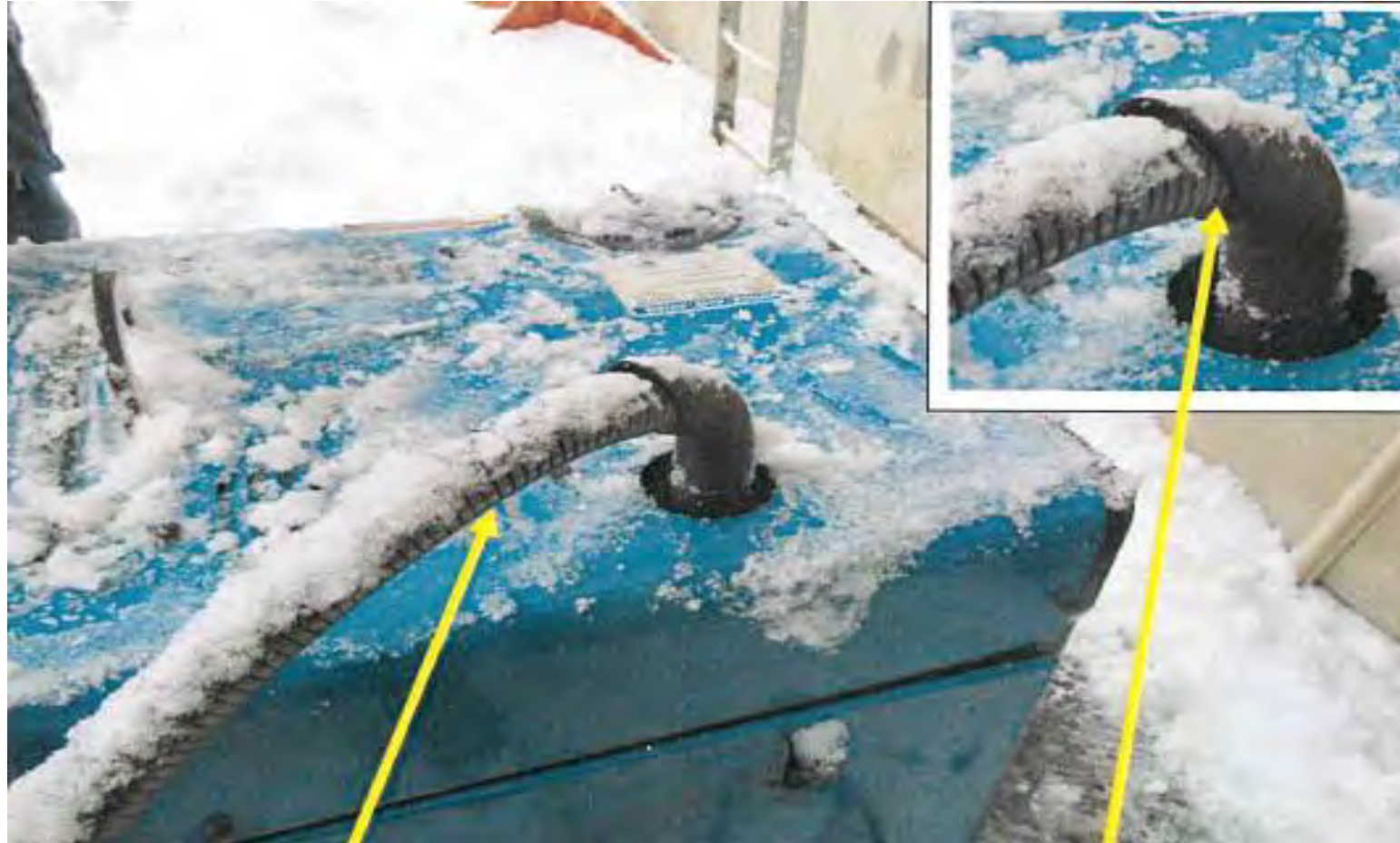
Idaho Cleanup Project

Uncontrolled Exposure to Potentially Dangerous Levels of Carbon Monoxide

- Contractor – Site
 - Idaho Environmental Coalition, LLC. (IEC)
 - Idaho Cleanup Project (ICP)
 - 2 NOI's Issued: IEC and American Equipment (AE)
- Event
 - 2 workers were potentially exposed to an uncontrolled immediately dangerous to life and health (IDLH) level of carbon monoxide (CO).
 - Testing an exhaust extension setup on a gasoline-powered welder generator machine located inside the high bay.
 - Worker diagnosed with CO exposure.

Idaho Cleanup Project

Uncontrolled Exposure to Potentially Dangerous Levels of Carbon Monoxide



Worker Hand Injury (Finger Amputation) Event

- Contractor – Site
 - National Technology and Engineering Solutions of Sandia, LLC (NTESS)
 - Weapons Evaluation Test Laboratory (WETL); Located at Pantex
- Event
 - 4 workers were manually aligning a large 750-pound chamber cover after it had been lowered using a hoist.
 - Worker 1 was using their right middle finger to check if the cover was horizontally aligned with the chamber when the cover fell into place, pinching their finger.
 - Fingertip amputation

Sandia

Worker Hand Injury (Finger Amputation) Event



FERMI

Serious Fall Injury

- Contractor – Site
 - Fermi Research Alliance (FRA)
 - Fermi National Lab
 - 4 NOIs issued: FRA, Whittaker Construction, Nucor Harris, and Harris Rebar Placing
- Event
 - Worker fall from height (approx. 23 feet)
 - Ironworker was preparing to secure a rebar template bar to a concrete formwork wall and fell backwards, striking a diagonal brace before landing on the concrete slab below.
 - Air lifted to a local trauma center and sustained serious injuries, including head trauma.

FERMI

Serious Fall Injury



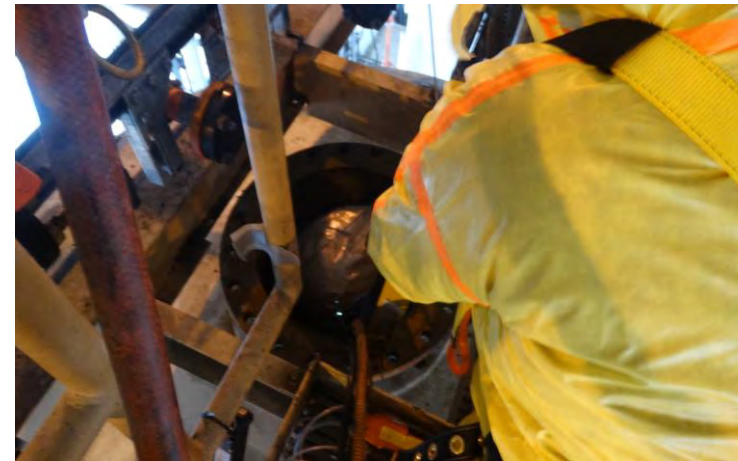
Paducah

Potential Overexposure to Toluene Event

- Contractor – Site
 - Mid-America Conversations Services, LLC
 - Paducah
 - 3 NOIs issued: Mid-America Conversion Services, LLC, Construction Safety Consultants, & Omni Services, Inc.
- Event
 - Remove and replace the chlorobutyl rubber liner inside five HFS tanks
 - Entrant was painting an adhesive for approx. 15 min when he began experiencing symptoms (dizzy, staggering, confused)
 - Entrant had to be retrieved from the tank

Paducah

Potential Overexposure to Toluene Event



Oak Ridge

Tree Care Fatality

- Contractor – Site
 - East Tennessee Mechanical Contractors, Inc.
 - Oak Ridge National Laboratory- Reservation Management
 - 2 NOIs Issued: East Tennessee Mechanical Contractors, Inc. (ETMC) & Davey Tree Expert d/b/a Cortese Tree Specialists
- Event
 - Performing tree clearing operations
 - Final cut to the trunk of a tree (approximately forty feet tall and one foot in diameter). Employee was struck in the head

Oak Ridge

Tree Care Fatality



Oak Ridge

Telehandler Event

- Contractor – Site
 - UT-Battelle
 - Oak Ridge National Laboratory
 - 3 NOIs issued: UT-Battelle, Whiting-Turner Contracting Company, and BESCO-Engert
- Event
 - Lifting materials to an exterior roof access point
 - Unsecured 585-lb Extendable Truss Boom (jib) attachment, came loose from the telehandler, and slid off the forks, striking and pinning a pipefitter on the roof by their pant leg.
 - Multiple traumatic fracture injuries to bones (ankle and pelvis).

Oak Ridge Telehandler Event



Telehandler, Jib, and Load on Roof Post-Incident

NNSS

Two Ground Fall Events

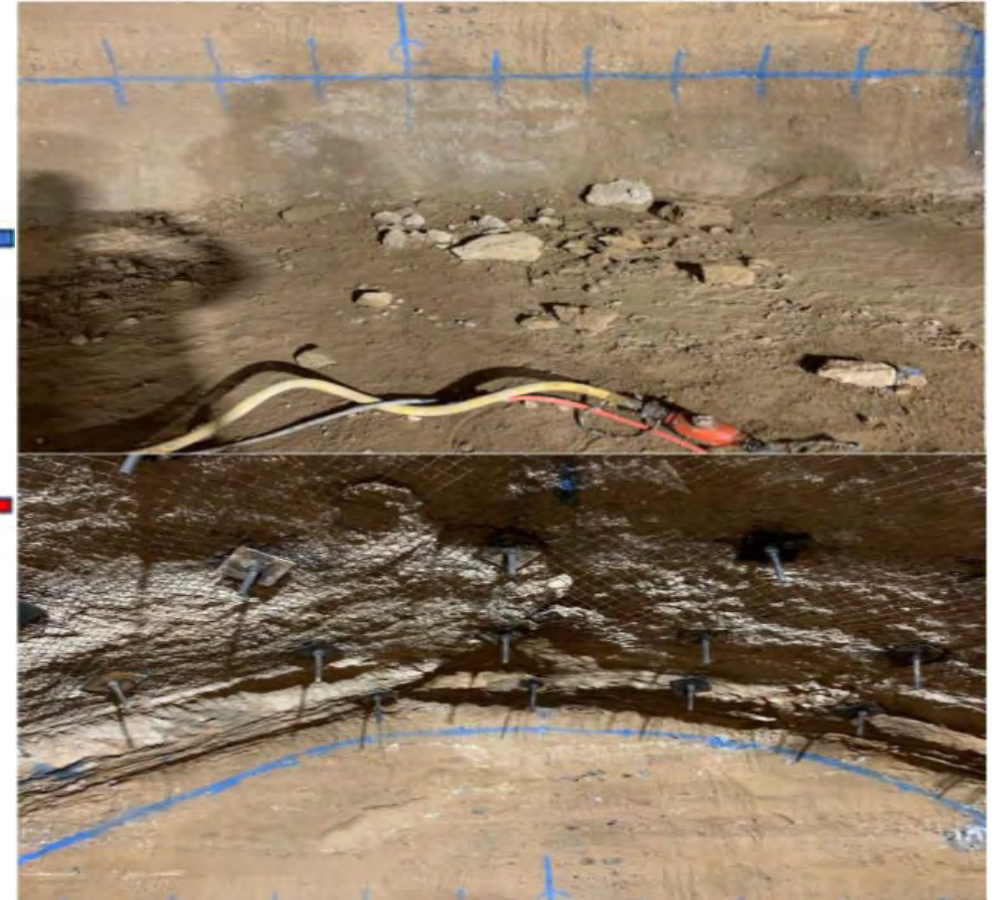
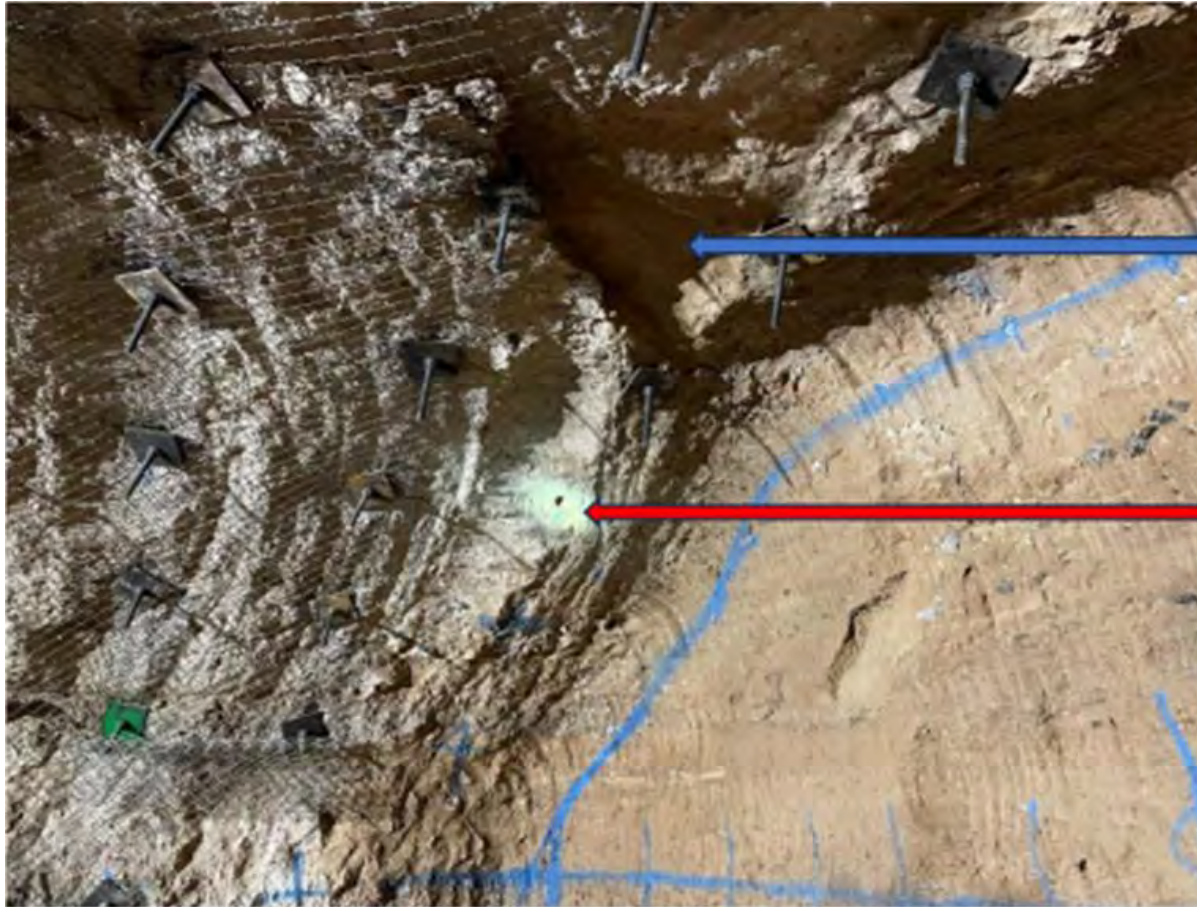
- Contractor – Site
 - Principal Underground Laboratory for Subcritical Experimentation (PULSE) facility
 - Nevada National Security Sites
- Event
 - Two ground fall events
 - Loose and unsecured soil and rocks fell onto and significantly injured multiple miners

Two Ground Fall Events (Event 1)



NNSS

Two Ground Fall Events (Event 2)



Red Arrow: Rockbolt drill hole being worked on with a Jackleg.

Blue Arrow: Ground fall area

Notable Observations

- Subcontractor safety
- Inadequate work planning and control
- Job/process hazard analysis ineffective/absent
- Non-routine and skill of the craft tasks
- Worker training & qualifications
- Amputations

Questions ?





Nuclear Safety Enforcement Program Update

Jacob M. Miller

Director

Office of Nuclear Safety Enforcement

Office of Enterprise Assessments

Overview

- **Nuclear Safety Enforcement Office Update**
- **Completed and Ongoing Cases**
- **Data Analysis and Trends**
- **Other Activities**

Nuclear Safety Enforcement Office Update

- **Staffing:**
 - Jacob M. Miller, Director
 - Joseph DeMers, Enforcement Officer
 - Margaret Kotzalas, Enforcement Officer
 - Christian Palay, Enforcement Officer
 - Alayna Pearson, Enforcement Officer
 - Lisa German, Contractor Administrative Support

Completed Cases

Contractor	Issue	Outcome
Triad National Security, LLC (Triad)	Glovebox flooding and Other Nuclear Safety Events in the Plutonium Facility Building 4 (PF-4)	PNOV <i>May 2023</i>
	Unplanned radiation exposure to workers at the Los Alamos Neutron Science Center facility (LANSCE)	Enforcement Letter <i>June 2023</i>
	Release of radioactive material from a glovebox in PF-4	PNOV <i>October 2023</i>
Fermi Research Alliance, LLC (FRA)	Unplanned radiation exposure to a worker in the Proton Source Test Area of the Fermi National Accelerator Laboratory	Consent Order <i>February 2024</i>

Ongoing Cases

Contractor	Issue	Notice of Intent
Mid-America Conversion Services, LLC (MCS)	Nuclear safety deficiencies occurring at the Portsmouth Depleted Uranium Hexafluoride Conversion (DUF6) facilities	<i>December 2022</i>
Consolidated Nuclear Security, LLC (CNS)	Loss of Criticality Controls During Demolition at Y-12 National Security Complex.	<i>August 2023</i>
Lawrence Livermore National Security, LLC (LLNS)	Deficiencies in implementing the quality assurance program.	<i>November 2023</i>
	Loss of contamination control and discovery of contaminated property both on and offsite.	<i>January 2024</i>

Glovebox Flooding and Other Nuclear Safety Events

- **Contractor – Site**
 - Triad National Security, LLC
 - Los Alamos National Laboratory
- **Conditions:**
 - Exceeded criticality safety mass control requirements, February 11, 2022
 - Glove breach releasing radioactive contamination, March 3, 2021
 - Vault water bath flooding, March 31, 2021
 - Glovebox flooding, July 19, 2021



Glovebox Flooding and Other Nuclear Safety Events Outcome - PNOV

- **Areas of Violation**

- Procedural compliance

- Bypassed safety feature (blocked open water valve)
- Delegation of work to nonqualified workers
- Not frisking after removing hands from gloves and spreading contamination
- Moving fissile material in violation of criticality posting

- Management processes

- Application of insufficient resources leading to events (workers performing multiple jobs at the same time)

- Causal analysis

- Inadequate identification of causes of events and inappropriate use of hierarchy of controls (stopping root cause at the point the human interacts with the system)

- Corrective actions

- Did not control or correct known equipment deficiencies (site glass cloudy, poor ergonomics, highly contaminated rooms preventing verification of configuration management, degraded equipment requiring extra manipulations)

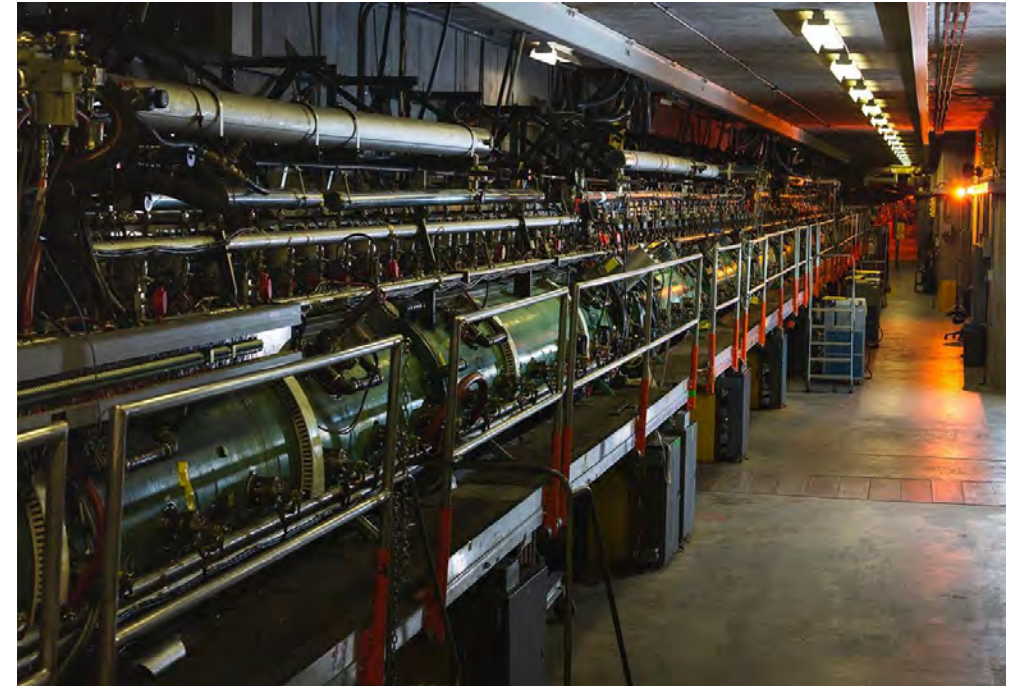
- Criticality safety

- Did not identify differences between as-built and design, resulting in an assumption there was a control to prevent water from entering the ventilation system



Unplanned High Radiation Area and Worker Dose

- **Contractor – Site - Facility**
 - Triad National Security, LLC
 - Los Alamos National Laboratory
 - Los Alamos Neutron Science Center
- **Conditions:**
 - On August 11, 2022, modifications were made to the linear accelerator's shielding
 - Resulted in an unplanned High Radiation Area (HRA) (dose rates up to 1.2 Roentgen (R)/hr)
 - Four employees received unplanned radiation dose
 - Highest dose was approximately 475 millirem (less than the 5,000 millirem occupational limit)



Unplanned High Radiation Area and Worker Dose

Outcome – Enforcement Letter

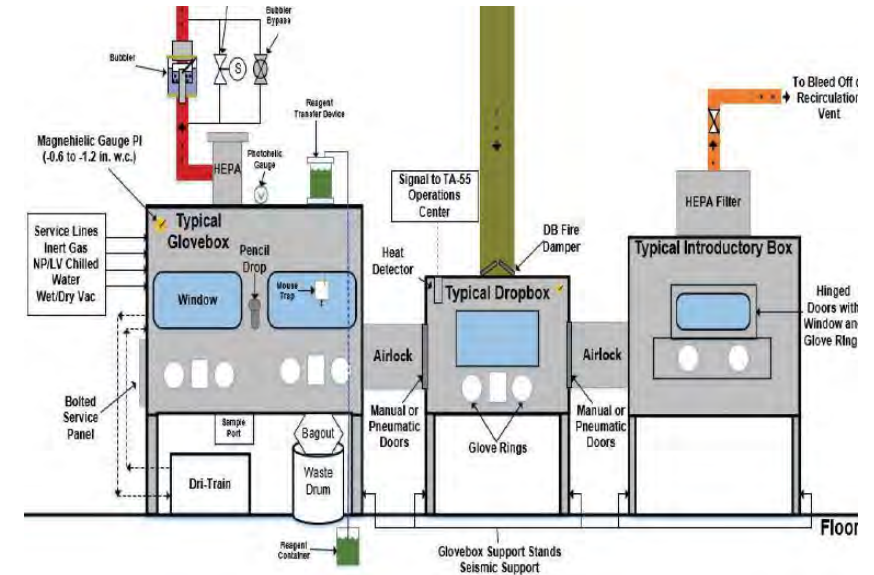


- **Enforcement's Concerns**
 - Radiological monitoring was not adequate to detect and document changes in radiological conditions
 - Potential for HRA was not recognized during work planning activities
 - Consequently, did not establish physical controls
 - Causal analysis did not evaluate potential weaknesses in safety management processes or in the management and oversight of radiological work.
 - Focus on worker performance may have biased the identified causal factors

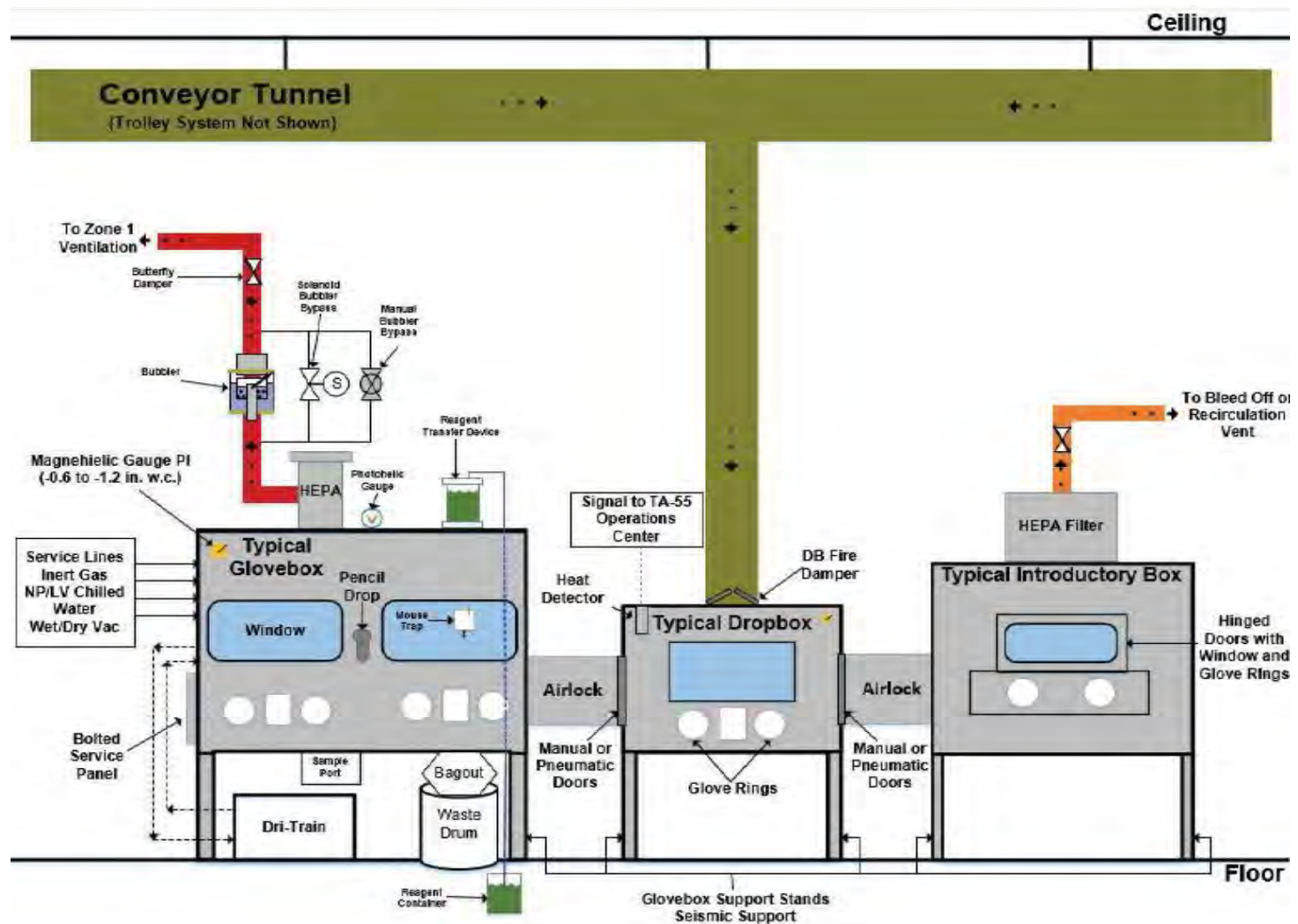


Plutonium Glovebox Release

- **Contractor – Site**
 - Triad National Security, LLC
 - Los Alamos National Laboratory
- **Conditions: Pu glovebox breach and release, January 7, 2022**
 - Multiple individuals contaminated; Continuous Air Monitors (CAMs) alarmed
 - Field indicators of potentially significant internal uptake
 - Multiple areas of interest with nuclear safety and radiological safety barriers



Plutonium Glovebox Release



Plutonium Glovebox Release Outcome - PNOV

- **Areas of Violation**
 - Hazard Identification and Control
 - Inadequate identification and implementation of controls to protect safety function
 - Unreviewed Safety Question Process
 - Failure to enter the PISA process for inability to meet safety function
 - Quality Improvement
 - Inadequacies in identifying and correcting issues before they resulted in an event
 - Inadequacies with prevent recurrence of similar issues
 - Work Processes
 - Failure to adequately implement work processes to maintain the glovebox's confinement safety function
 - Loss of configuration management resulting in failure of safety function
 - Occupational Radiation Protection
 - Failure to implement controls to prevent releases to the workplace atmosphere or control the inhalation of such materials



Unplanned Worker Radiation Exposure

- **Contractor - Site**
 - Fermi Research Alliance, LLC (FRA)
 - Fermi National Accelerator Laboratory
- **Conditions: Unplanned Worker exposure of 530 mrem**
 - Worker operating a Radiation Generating Device in an unposted radiation area
 - Expired memorandum for operation (RWP)
 - Workstation in line with the source (x-ray radiation)
 - Worker stopped checking his pocket dosimetry and recording his dose
 - Identified via quarterly dosimetry results months after completion of project

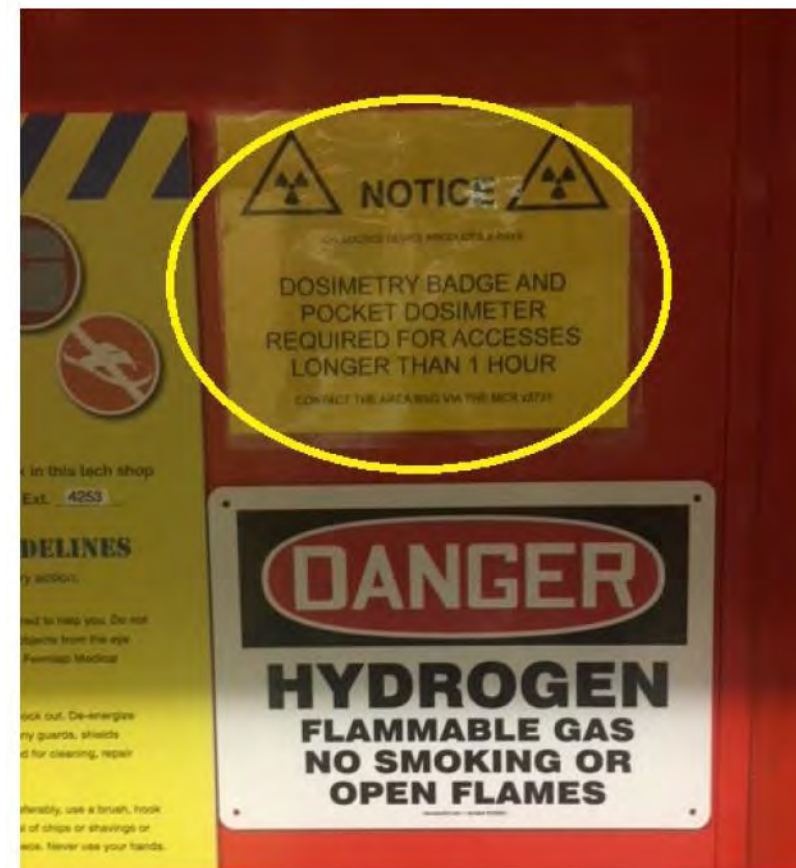
Unplanned Worker Radiation Exposure

Image of Workstation Set Up



The desk can be seen in line with the beam.

Image of Legacy Signage Posted on Door



Unplanned Worker Radiation Exposure Outcome – Consent Order

- **Areas of Concern:**
 - Radiological monitoring was not adequate to detect changes in radiological conditions and verify the effectiveness of engineered and administrative controls
 - Radiological postings were not adequate and conflicted with local operational guidance
 - Operational procedures were not commensurate with the radiological hazards and were expired
 - Measures to maintain exposure ALARA were not adequately developed or implemented

Allegations of Nuclear Safety Deficiencies

- **Contractor & Site**
 - Mid-America Conversion Services, LLC
 - Portsmouth Depleted Uranium Hexafluoride Conversion (DUF6) facilities
- **Conditions: Alleged Deficiencies (2019-2022)**
 - Training and qualifications
 - Quality improvement
 - Performance of work



Loss of Multiple Criticality Controls During Removal of a Legacy Machine



- **Contractor – Site**
 - Consolidated Nuclear Security, LLC
 - Y-12 National Security Complex
- **Conditions: (April 14, 2023)**
 - No documented criticality controls available
 - Use of unapproved container
 - Sufficient mass of fissile material
 - Presence of unapproved materials
 - Weaknesses in procedures and compliance

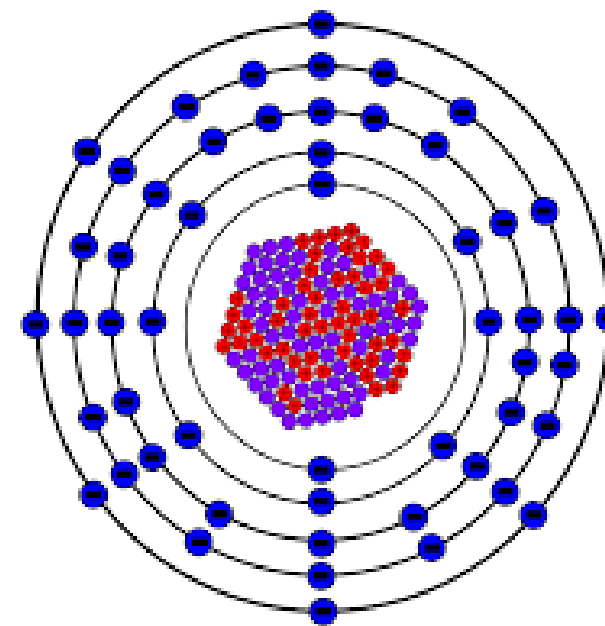
Quality Assurance Program Deficiencies

- **Contractor – Site**
 - Lawrence Livermore National Security, LLC (LLNS)
 - Lawrence Livermore National Laboratory
- **Conditions:**
 - LFO identified quality assurance discrepancies
 - Unevaluated supplier of SS SSCs
 - Duration over 10 years
 - Software quality assurance

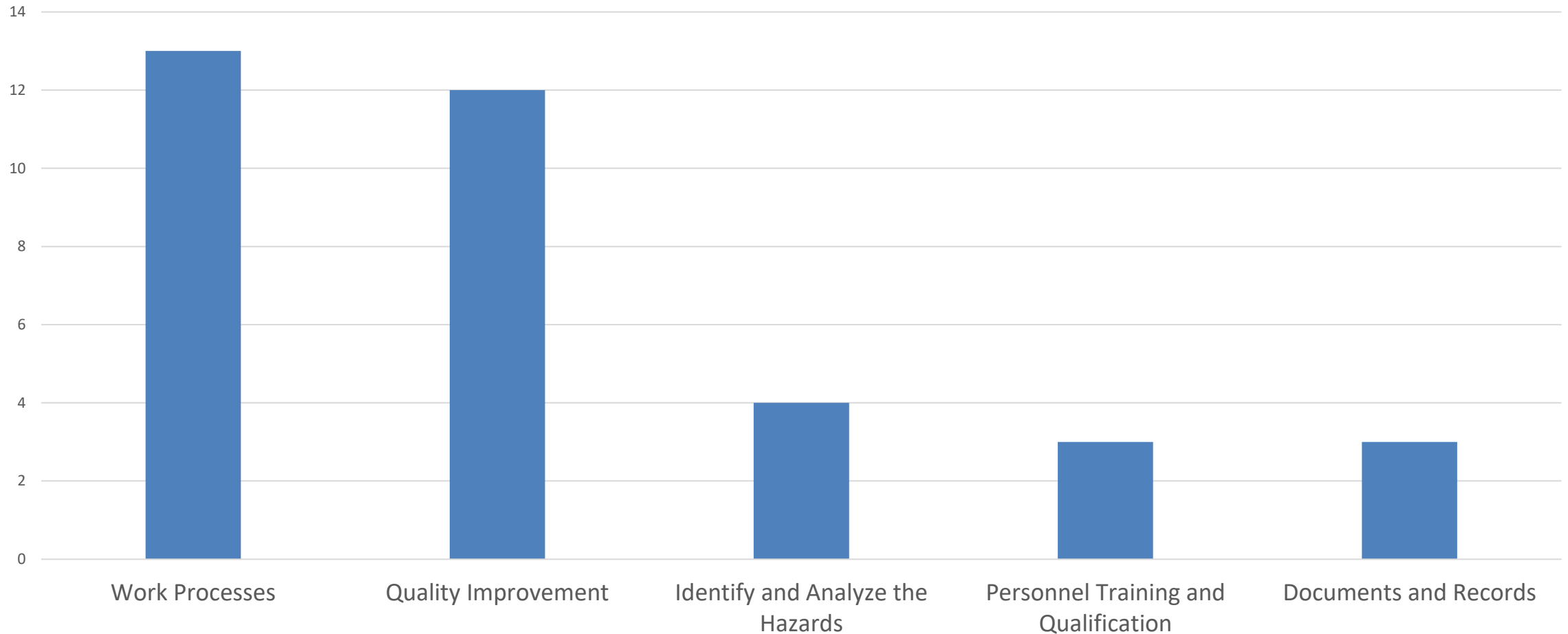


Loss of Contamination Control

- **Contractor – Site**
 - Lawrence Livermore National Security, LLC (LLNS)
 - Lawrence Livermore National Laboratory
- **Conditions:**
 - Total Contamination
(10 CFR 835 limit 500 disintegrations per minute [DPM])
 - Personal items (offsite) – 400,000 DPM I-125
 - Work items (onsite) – 10,000 DPM I-125



Top Five Areas of Violation 2019-2024



NTS Significance Reporting by Contactor (normalized and anonymized)



Other Activities

- **Involvement in the DOE and Nuclear Communities**
 - American Nuclear Society
 - Executive Committee for Fuel Cycle and Waste Division
 - Chair of ANS 57.11 Integrated Safety Assessments for Nonreactor Nuclear Facilities working group
 - ANS 3.14 Process for Infrastructure Aging Management and Life Extension of Nonreactor Nuclear Facilities working group
 - ANS 58.16 Safety Categorization and Design Criteria for Nonreactor Nuclear Facilities
 - Health Physics Society

Other Activities

- **Involvement in the DOE and Nuclear Communities (continued)**
 - ASME Nuclear Quality Assurance
 - Assessment and Verification subcommittee
 - Software Quality Assurance subcommittee
 - Department of Energy
 - Technical Standards Program (DOE O 414.1E)
 - Directives Program
 - Energy Facility Contractors Group (EFCOG)
 - Quality Assurance/Integrated Safety Management subgroup
 - Worker Safety and Health subgroup (Health Physics)

Questions ?



LUNCH
11:30 – 1:00



Security Enforcement Program Update

Carrienne Zimmerman
Director
Office of Security Enforcement

Overview

- Security Enforcement Personnel Update
- Security Enforcement Activities Update
- Classified Information Security Incident Data

Security Enforcement Personnel Update

- Staffing:
 - Carrienne Zimmerman, Director
 - Charles Isreal, Enforcement Officer
 - Karen Sims, Enforcement Officer
 - Erin Newton, Contractor Enforcement Analyst/Safeguards and Security Information Management System (SSIMS) Support and Contractor Administrative Support
 - Linwood Livingston, Contractor Security Specialist Support

Security Enforcement Activities Update

- Fact-Finding Visit: National Technology and Engineering Solutions of Sandia, LLC at Sandia National Laboratory, NM – Improper Protection of Visually Classified Items – November 2021
 - Three similar security incidents involving the improper protection of visually classified items
 - Issues:
 - Similar IOSCs within the same Center
 - Processes and procedures for protecting visually classified items
 - Self-assessments
 - Causal analysis
 - Corrective actions
 - Outcome: **Enforcement Letter**



Security Enforcement Activities Update (cont'd)

- Enforcement Letter Issued: Battelle Energy Alliance at Idaho National Lab, ID – Improper Storage in a Non-Conforming Repository
 - November 2022
 - Improper storage and protection of classified matter
 - Issues:
 - Storage and protection of classified matter
 - Ineffective work planning and control
 - Outcome: **Enforcement Letter**



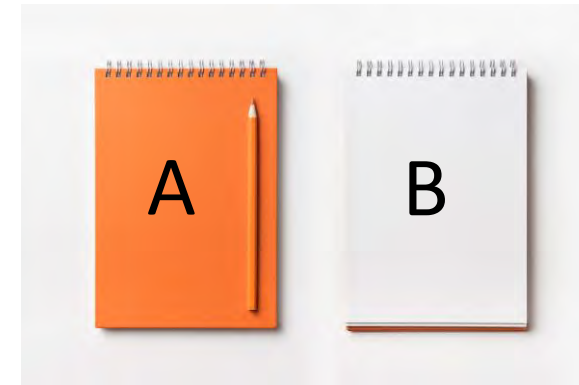
Security Enforcement Activities Update (cont'd)

- Fact-Finding Visit: National Technology and Engineering Solutions of Sandia, LLC at Sandia National Laboratory, NM – Unclassified Systems in SA with Prohibited Technology – January 2023
 - Multiple security incidents involving the introduction of unclassified systems with prohibited technologies enabled in security areas
 - Issues:
 - Similar recurring noncompliances
 - Issues management
 - Outcome: **Enforcement Letter**

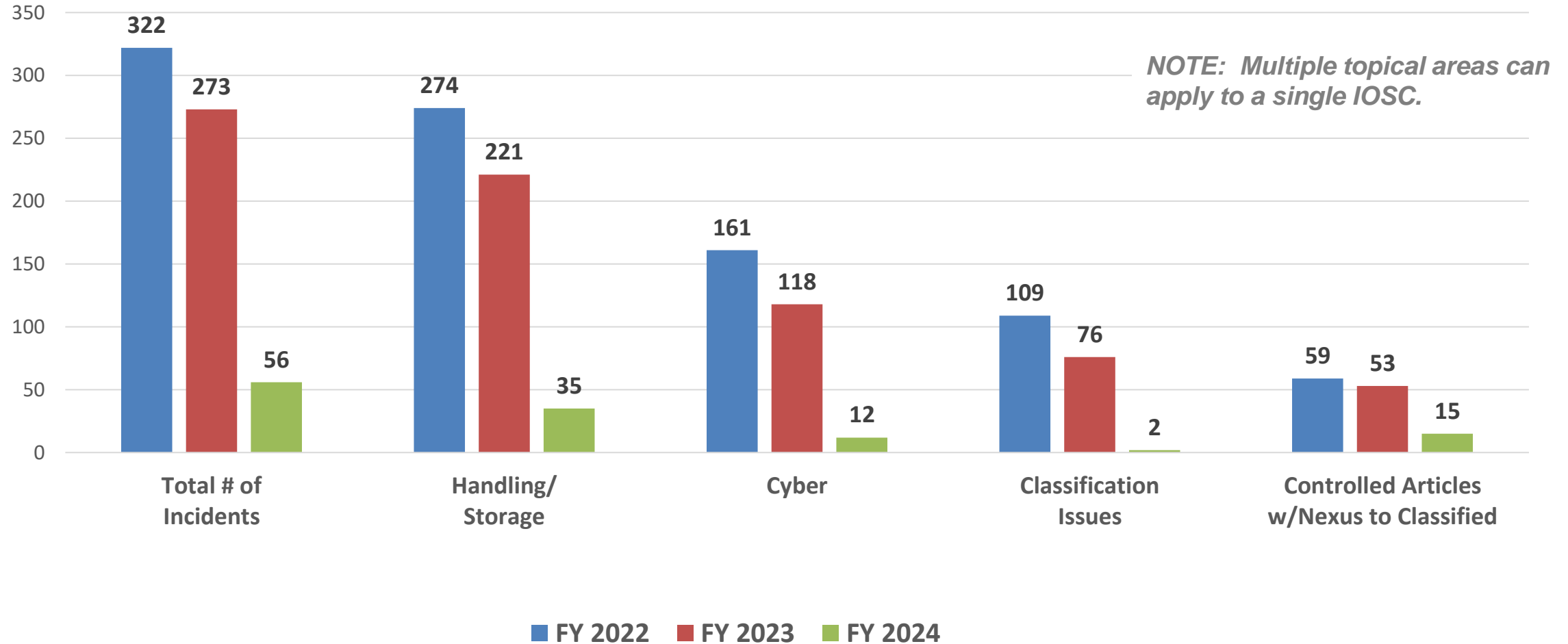


Security Enforcement Activities Update (cont'd)

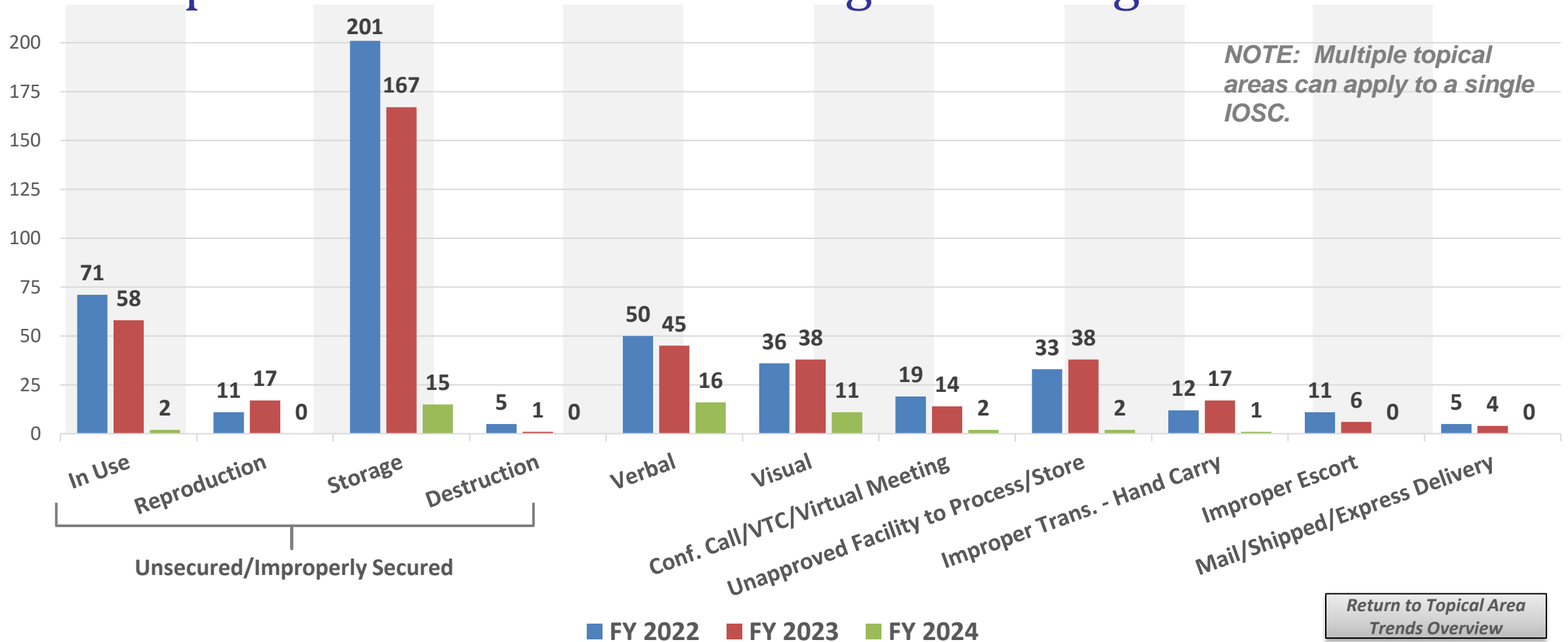
- Evaluation: Consolidated Nuclear Security, LLC at Y-12 National Security Complex, TN – Compromise/potential compromise of classified combinations and the handling and protection of classified information – October 2023
 - Multiple security incidents regarding:
 - Sharing of combinations
 - Validation of combination custodians
 - Issues:
 - Similar recurring noncompliances
 - Personnel level of awareness
 - Method/time for information personnel of combination changes
 - Outcome: **Enforcement Letter**



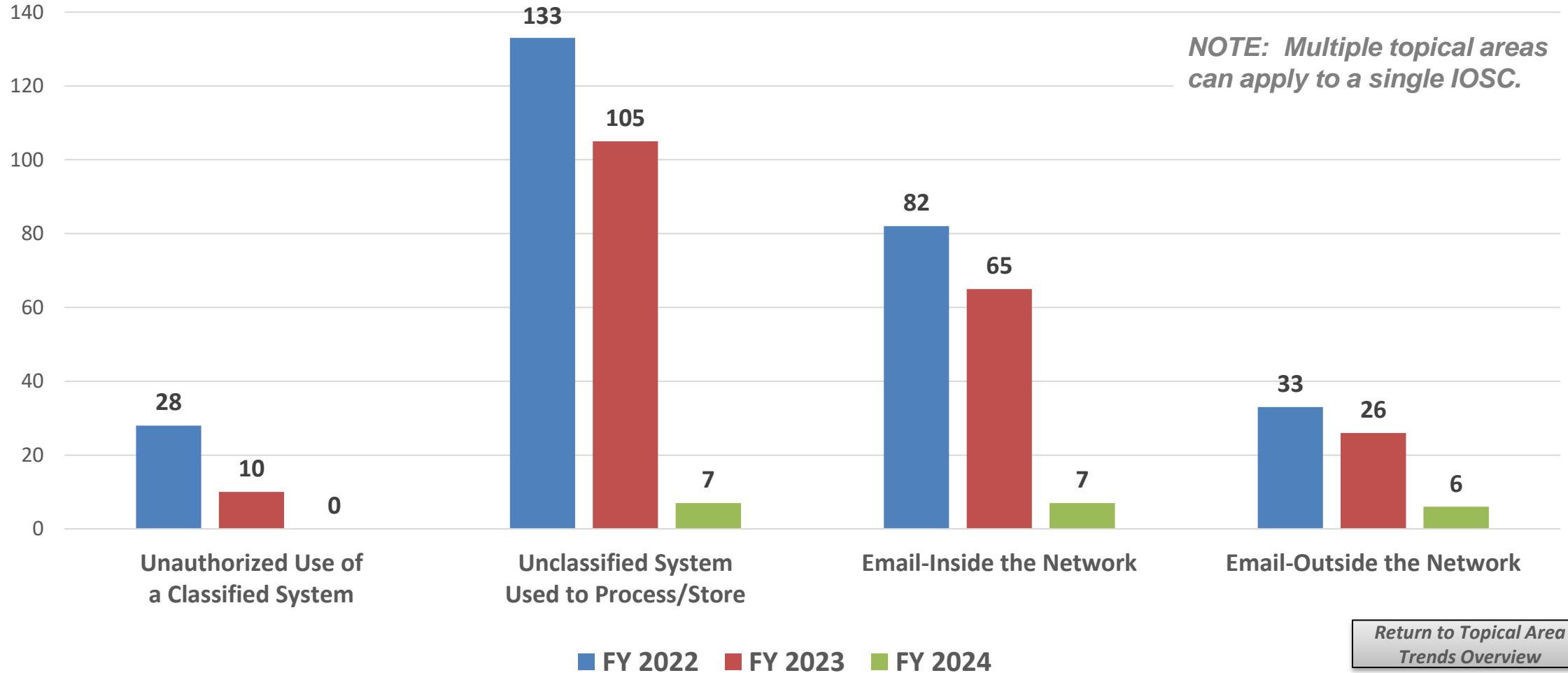
Classified Information Security IOSCs: Topical Area Trends



Classified Information Security IOSCs: Topical Area Trends – Handling and Storage Breakdown

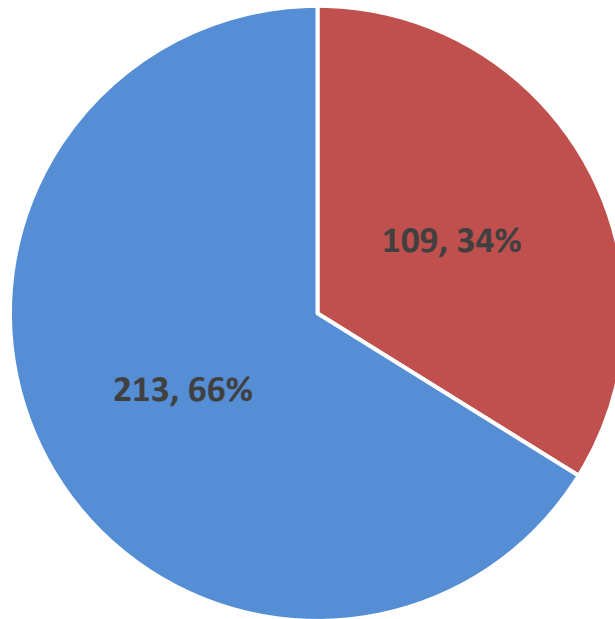


Classified Information Security IOSCs: Topical Area Trends – Cyber Breakdown

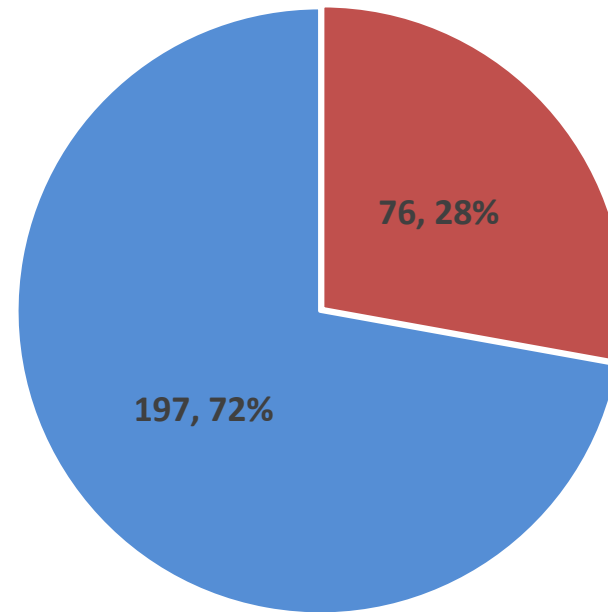


Classified Information Security IOSCs: Topical Area Trends – Classification Issues Breakdown

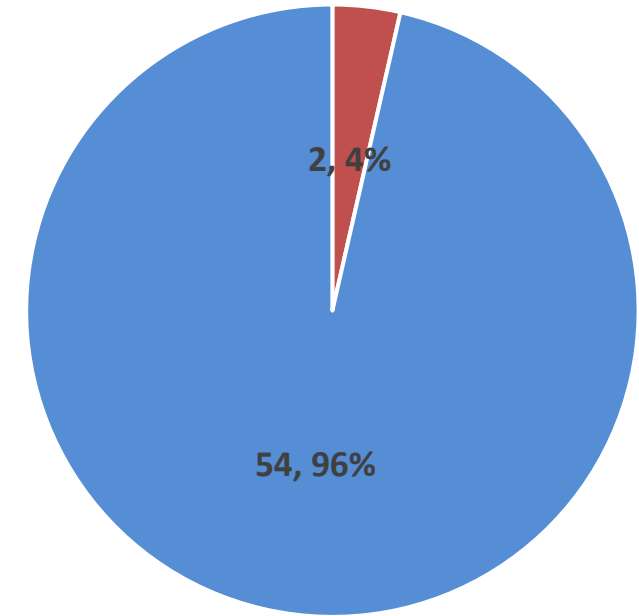
Total FY 2022 IOSCs: 322



Total FY 2023 IOSCs: 273

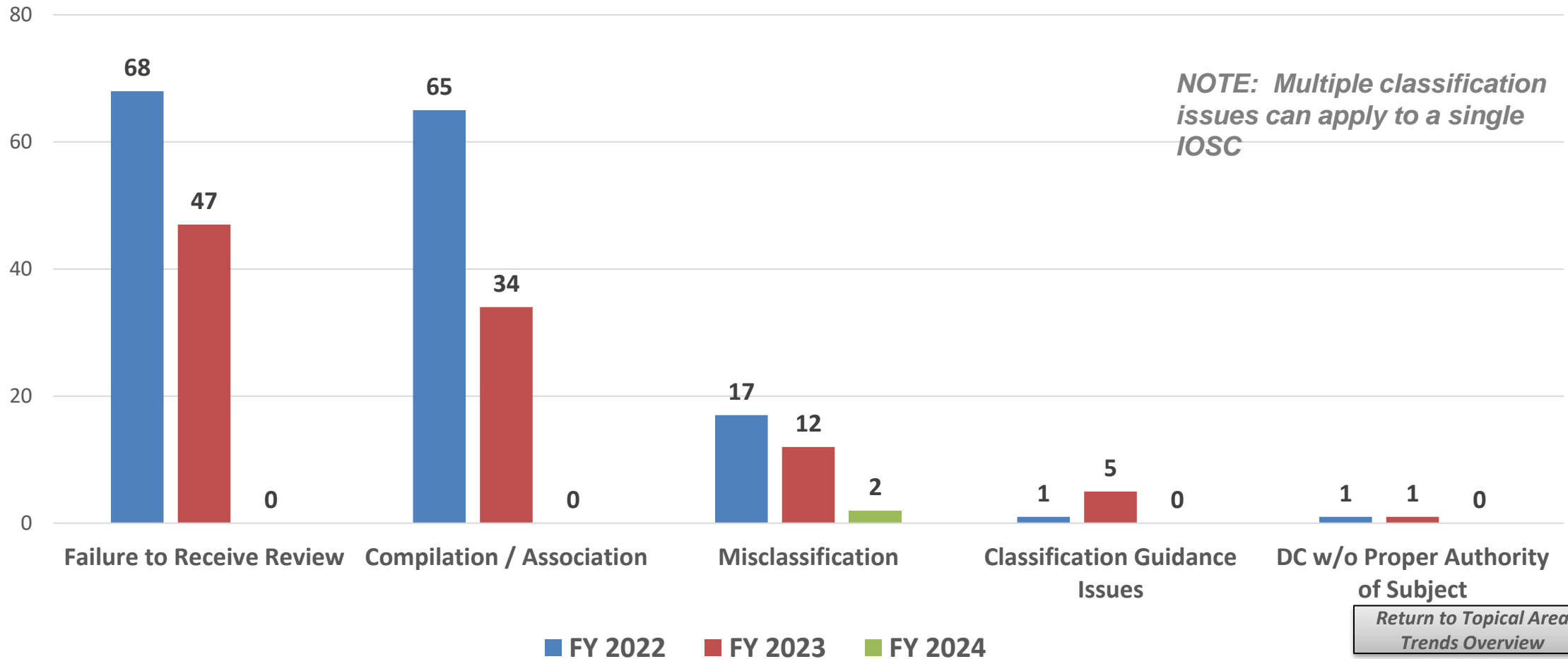


Total FY 2024 IOSCs: 56



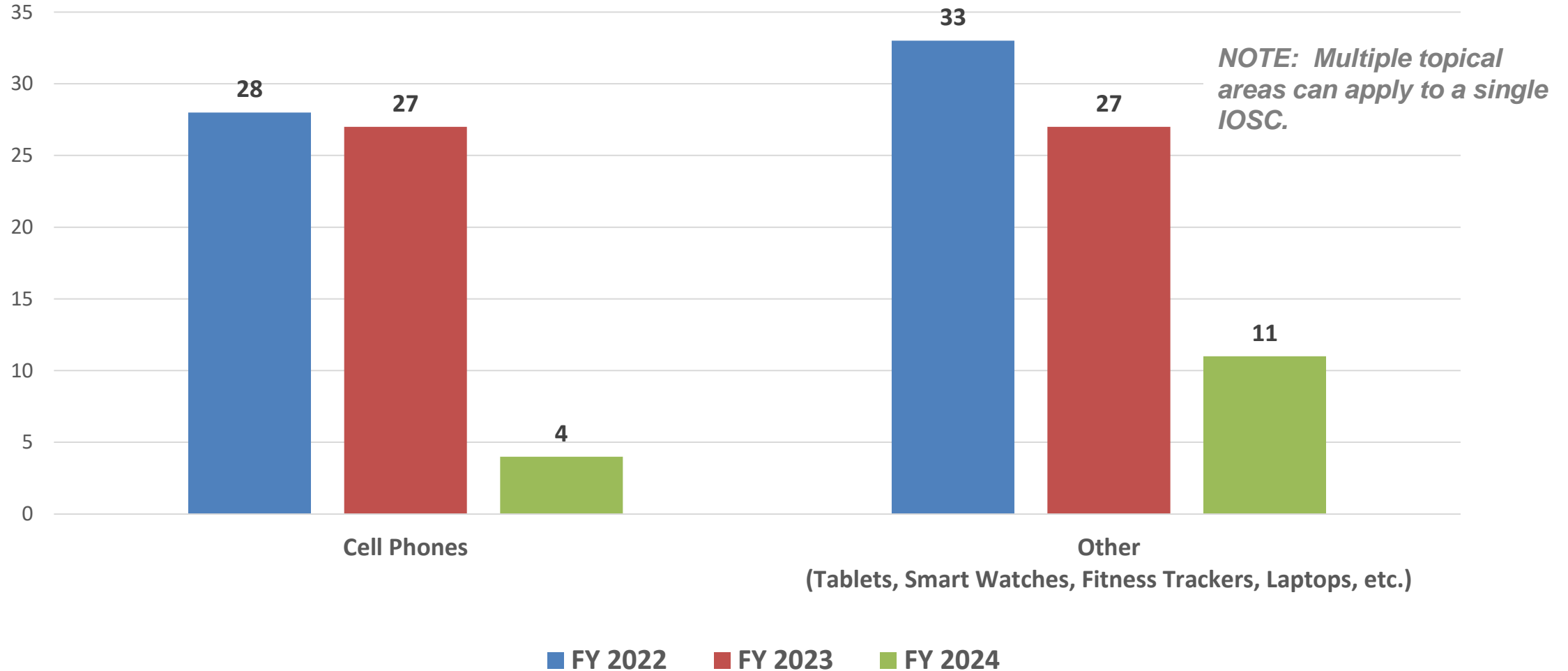
- IOSCs Involving Classification Issues
- IOSCs NOT Involving Classification Issues

Classified Information Security IOSCs: Topical Area Trends – Classification Issues Breakdown (cont'd)

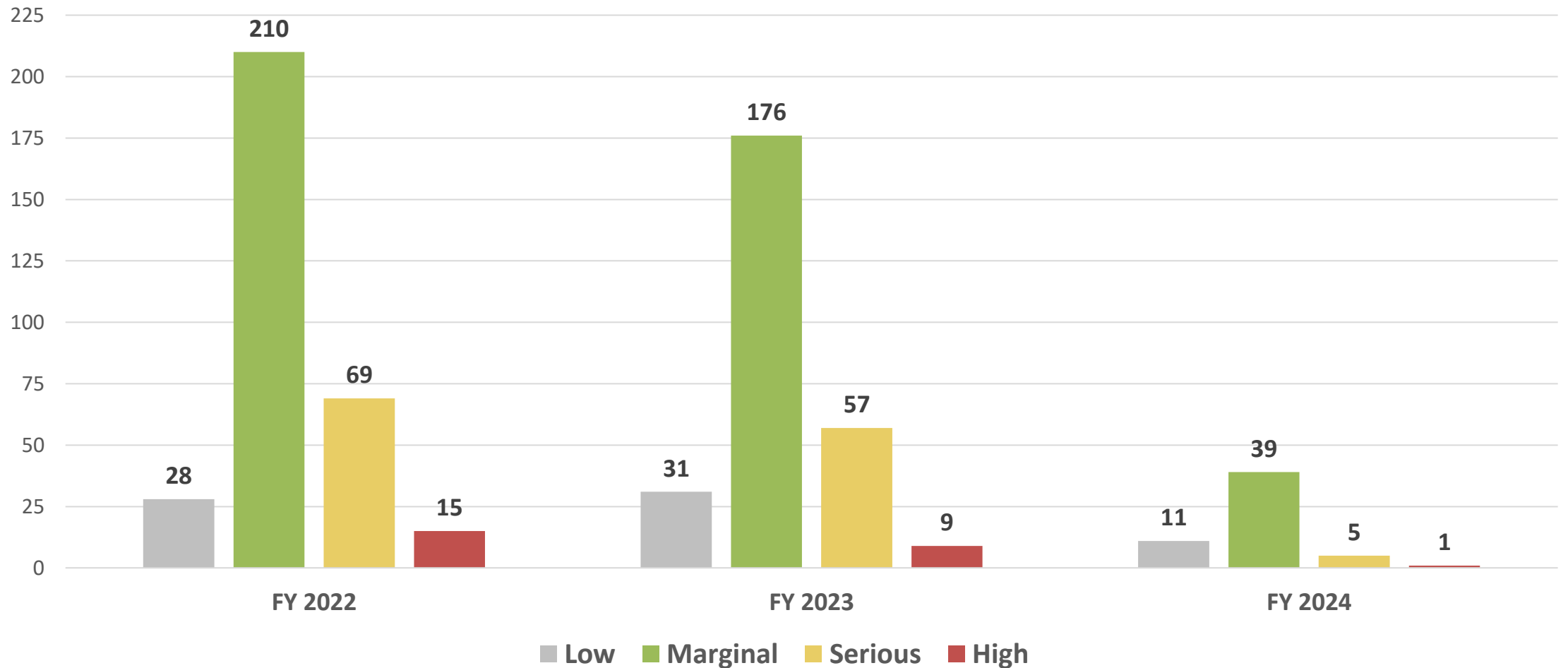


[Return to Topical Area Trends Overview](#)

Classified Information Security IOSCs: Topical Area Trends – Controlled Articles Breakdown

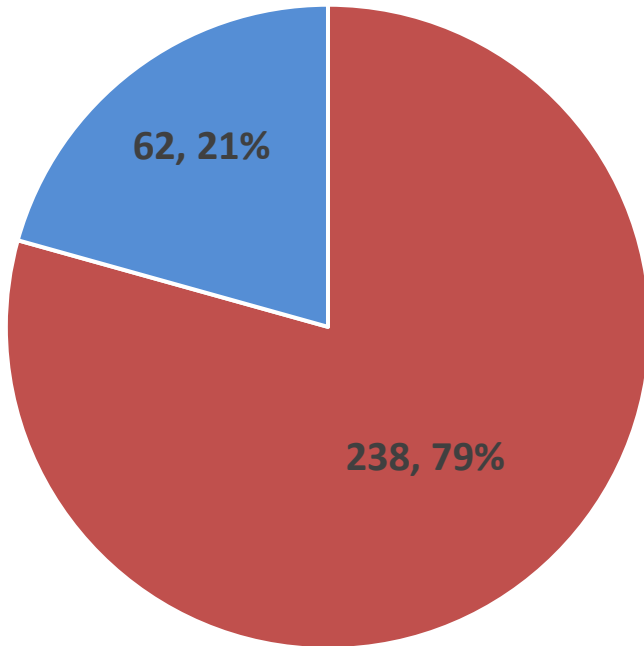


Classified Information Security IOSCs: Significance Determinations

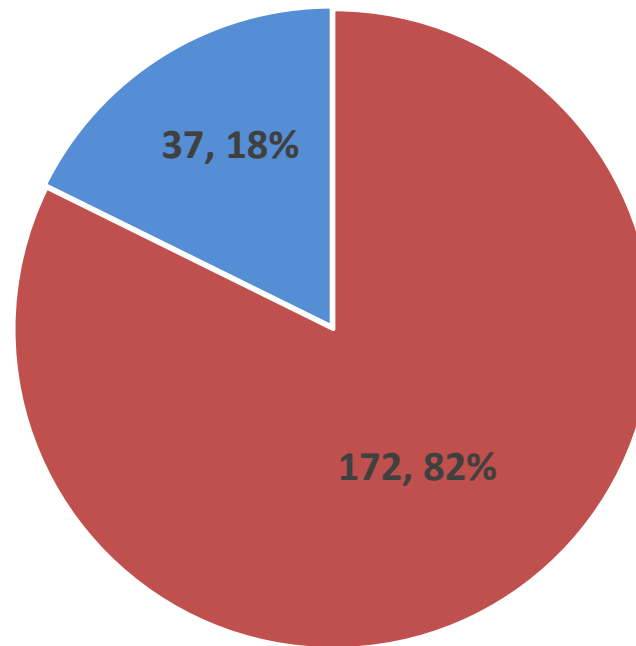


Classified Information Security IOSCs: Likelihood of Compromise

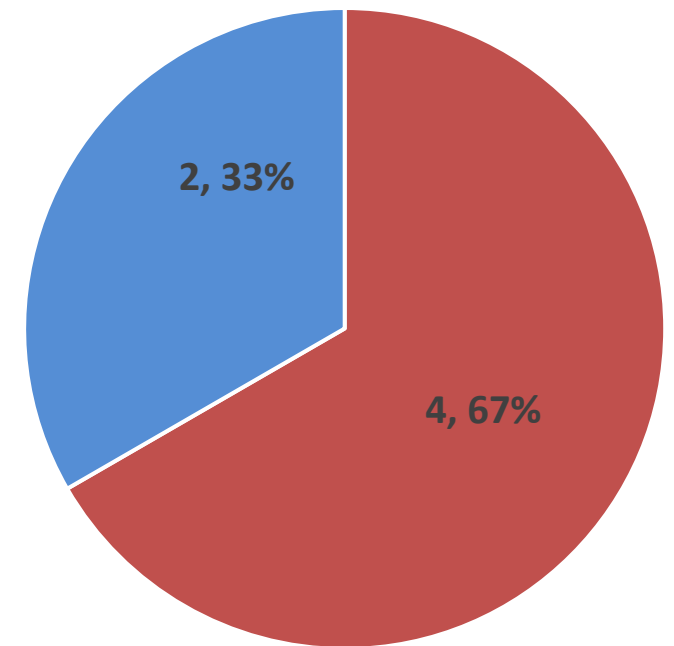
FY 2022
Closed IOSCs: 300



FY 2023
Closed IOSCs: 209

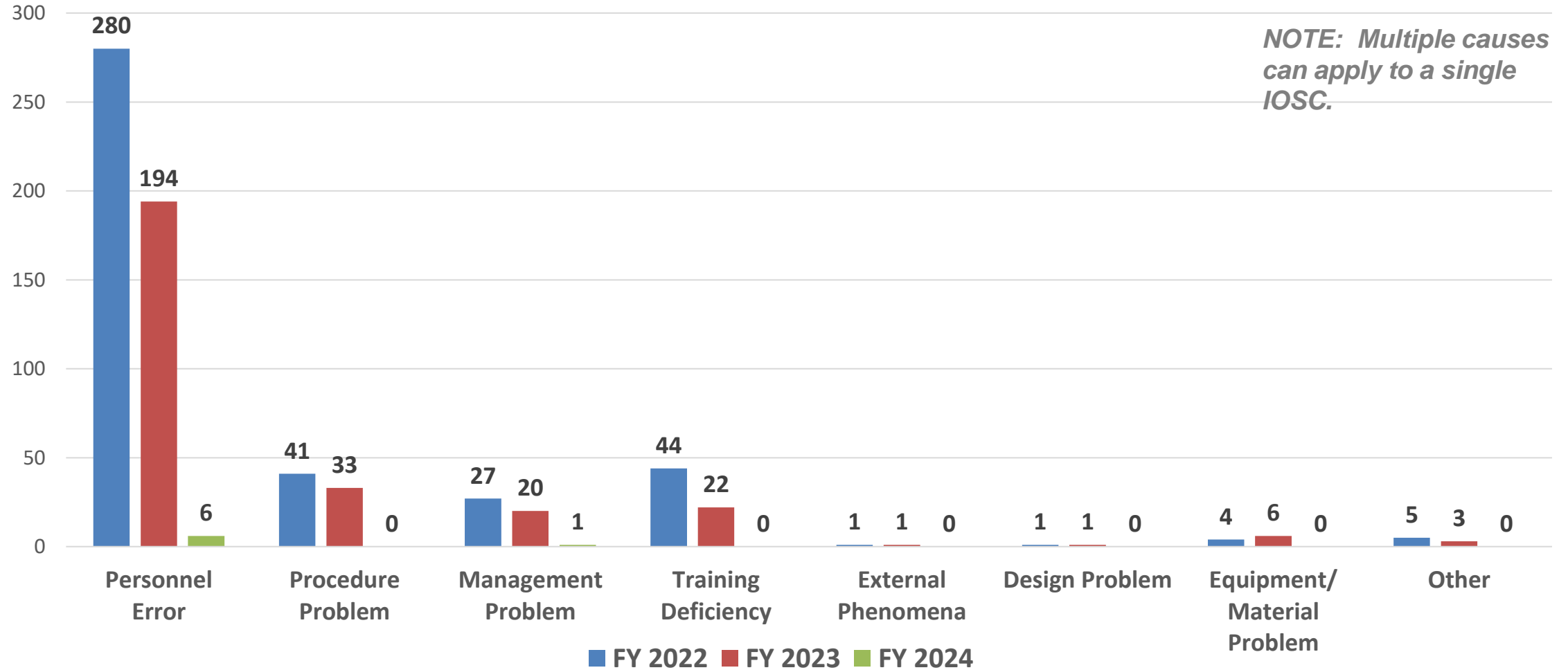


FY 2024
Closed IOSCs: 6

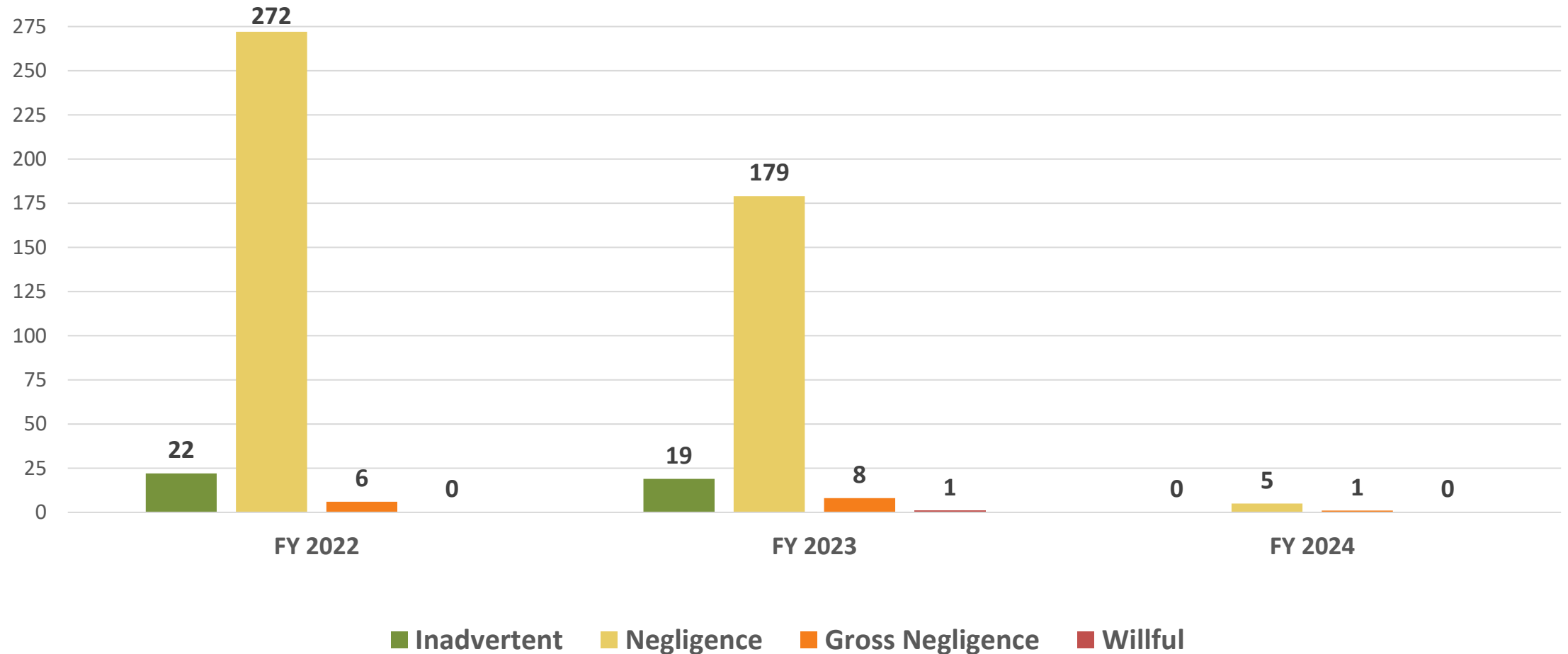


■ Actual or Potential Compromise ■ No Compromise

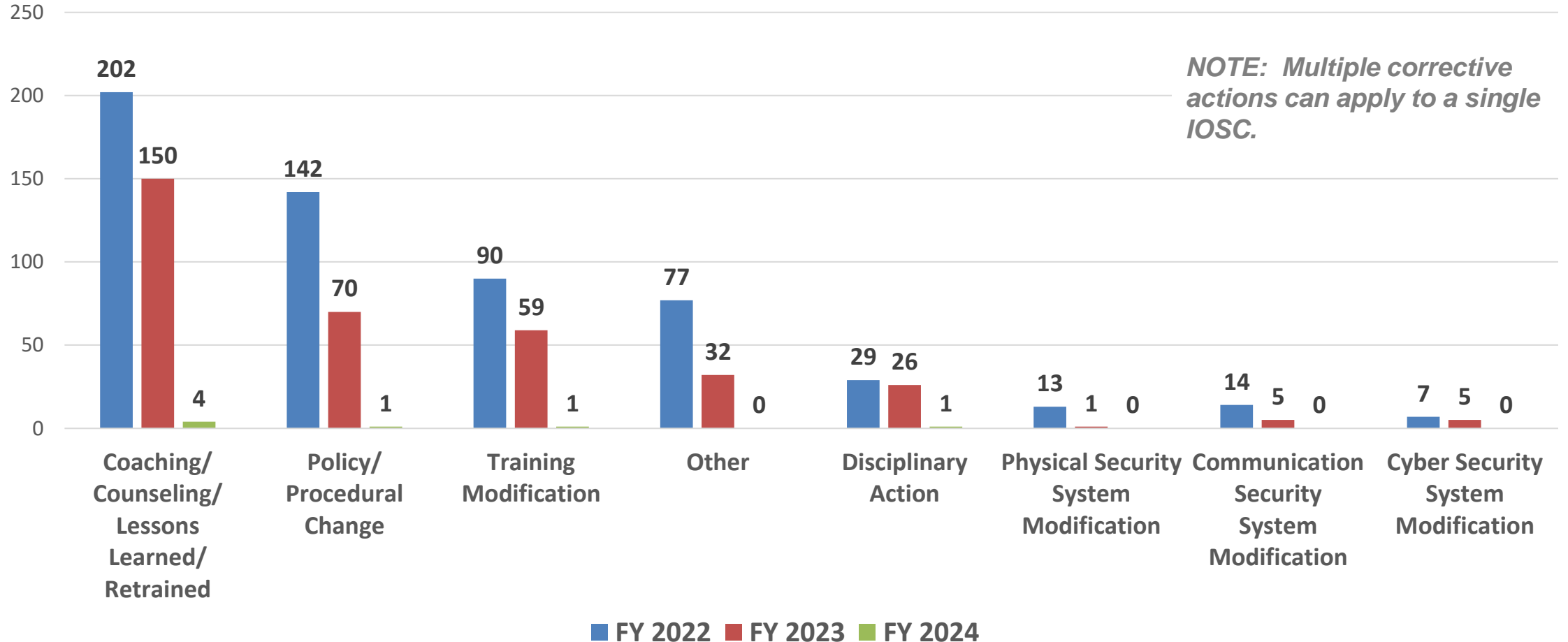
Classified Information Security IOSCs: Causes



Classified Information Security IOSCs: Characterizations



Classified Information Security IOSCs: Corrective Actions



Office of Security Enforcement Contact Information

- Carrienne Zimmerman, Director
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- Charles Isreal, Enforcement Officer
charles.isreal@hq.doe.gov | 301-903-7458
- Karen Sims, Enforcement Officer
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- Linwood Livingston, Contractor Security Specialist Support
lin.livingston@hq.doe.gov
- Erin Newton, Contractor Enforcement Analyst/Safeguards and Security Information Management System (SSIMS) Support Contractor Administrative Support
erin.newton@hq.doe.gov

Questions?





EFGOG Regulatory & Enforcement Technical Subgroup News and Update

Kathy Brack

Enforcement Coordination

Kathy.brack@pxy12.doe.gov

RETSG Activities

- **Monthly (approximately) Virtual Meetings**

- Opportunities to discuss questions or topics and share experience.
- Include DOE Office of Enforcement when monthly meetings reveal topics best addressed by the customer.

- **Spring In-Person Meeting**

- Share Lessons Learned.

- **Support EFGOG Safety Working Group Subcontractor Safety Task Team**

- Purpose: Develop tools for DOE Prime Contractors to foster subcontractor safe work practices and a healthy subcontractor workforce supporting effective and efficient operations within the Department of Energy.
- Approach: Gathering, evaluating, developing and sharing performance measures, best management practices, and lessons learned consistent with the principles and functions of Integrated Safety Management.

Steering Committee Membership

Co-chairs:

- Kathy Brack kathy.brack@pxy12.doe.gov 806-573-4099
- Barry Thom thomcb@nv.doe.gov 702-295-1601

Committee:

- Tamara Baldwin tamara.baldwin@srs.gov 803-952-7380
- Tracy Chance chancetd@ornl.gov 865-574-8430
- Heath Garrison heath.garrison@nrel.gov 303-384-7408
- Tamara Greenwood tgreenwood@lanl.gov 505-412-9947
- Mark Holowczak holowczak1@llnl.gov 925-4234522
- Opening



Questions?
&
Answers?



Accident Investigations

Stephen J. Wallace, PE, CSP, STSM
NNSA Office of Chief of Defense Nuclear Safety

Overview of AI Order

- DOE O 225.1B governs Accident Investigations
- Objectives of the AI Program
 - Implement a standardized, Department-wide, approach to conducting accident investigations
 - Assist line management in preventing recurrence
- Assist HQ element in determining if an AIB should be launched

Responsibilities

- **Head of HQ Element** reviews criteria and determines if an AI Board (AIB) is to be appointed, appoints board or provides rationale for no AIB (**Note: Relies on timely notification from the field**)
- **DOE EHSS** maintains policy, reviews reports, reviews rationale when AIB is not launched
- **Head of Field Element** provides support for AIB, establishes AI POC, may require contractor corrective action plans and conduct extent of condition
- **Contractors** support AIBs, respond to accidents, assist in collecting and preserving evidence, and develop CAPs

Criteria to Consider Appointing AIB

- **Human Effects Examples**

- Fatality; hospitalization >5 days; >3 employees lost workdays
- >2 times 10 CFR 835.202 occupational dose limits
- Uptake >2 times annual limit on intake (ALI)

- **Environmental Examples**

- Release of haz material >5X times reportable in 40 CFR 302
- Catastrophic release per 29 CFR 1910.119

- **Property Examples**

- Estimated cost equal to or greater than \$2.5 million for cleaning, decontaminating, renovating, replacing, or rehabilitating property
- Unplanned nuclear criticality

- **Other Effects**

- Secretary or Dep Secretary concern

Timely Notification to HQ

- AIB determination requires on timely notification to HQ element (NA-ESH-1, ESH-ODs, AI HQ POC, Site POC)
- ESH staff confers with Field Office staff
- If it is unclear if it will meet criteria, error on the side of communicating (e.g., serious injury but unclear if hospital stay will be >5 days)

Types of Investigations

- Contractor investigation
- Contractor led, fed participation
- Hybrid (Fed + Contractor)
- Formal AIB

What to Expect During an AIB

Proactive Program Management through
Policy, Guidance, Training, Analysis, Follow Up



Preservation of Evidence

HQ Element Determination

HQ Element Appoints Board

Board Controls the Scene
Analysis of the Facts
Root Cause Determination
Judgments of Need
Report Distribution

Corrective Actions and Lessons Learned

Challenges

- Lack of timely notification to HQ Element
- Personal condition is a factor
(Definition of accident: Accidents are unexpected events or occurrences that result in unwanted or undesirable outcomes. - DOE-HDBK-1208-2012)
- Annual limit on intake (ALI)
(ALIs for wounds should use coefficients in consensus or referred report)
- Uncertainty regarding timeframe (e.g., >5 days???)

Enforcement Program

- Generally, enforcement investigation will occur after a formal Accident Investigation Board
- Enforcement can use results
- A well-investigated incident with follow-up actions considered during enforcement



Questions and Comments



Oversight and Enforcement in Self-regulated Agencies

Joyce L. Connery
Chair

Defense Nuclear Facilities Safety Board

May 7, 2024



Who We Are

- The Board is an independent federal agency, no connection to DOE or DOD
- Five Board Members – Presidentially appointed and Senate confirmed
- Board Members have 5-year terms, no more than 3 members from each party
- Currently we have **2** Board Members, with a nominee awaiting Senate confirmation



Joyce L. Connery
Chair



Thomas A. Summers
Vice Chair



We have Things in Common

- In August 1988, **Congress amended the Atomic Energy Act by the Price-Anderson Amendments Act** to mandate civil and criminal penalties for violations of DOE's nuclear safety requirements
- One month later, **Congress also amended the Atomic Energy Act by the FY1989 National Defense Authorization Act** to create the Defense Nuclear Facilities Safety Board
- We both have small staffs with large responsibilities:
 - The Board has about 110 federal employees
 - About 75 are technical staff and managers with a range of technical expertise
- The Board oversees safety at DOE's defense nuclear facilities, cradle to grave



Our History

- In the early 1980s, the environmental movement was gaining momentum at the same time the Cold War was heating up
- Information **about environmental** problems at DOE facilities was starting to come to light, but DOE was committing all its resources to building weapons
- As early as July 1980 Senator John Glenn (Ohio) became concerned and chartered a series of reports from GAO on various aspects of safety and health
- By 1985 Glenn was holding hearings about safety at DOE's Feed Materials Production Center in Fernald, Ohio
- In 1986, the Chernobyl accident greatly increased concerns about safety at DOE
- Senator Glenn proposed the Nuclear Protections and Safety Act in 1987; it did not pass but became the precursor to creating the Board in the FY1989 NDAA



Our History, part 2

During committee reviews of Glenn's proposed legislation there was a lot of discussion on alternative approaches, including

- Putting the defense nuclear complex under NRC jurisdiction and oversight, and perhaps OSHA jurisdiction for worker safety
- Independent oversight agency with one administrator or three board members
- Independent agency with “regulatory-like” powers and authority to establish standards
- A major concern was regarding whether the independent agency could interfere with the accomplishment of the defense weapons complex's mission

As a result of these discussions

- Congress left DOE's self-regulatory system intact to protect DOE's national security mission, but boosted it with PAAA enforcement
- Our agency conducts oversight, we do not regulate DOE or enforce regulations



Our Mission

Our enabling legislation (42 U.S.C. § 2286 et seq.) defines our mission

- *The mission of the Board shall be to provide independent analysis, advice, and recommendations to the Secretary of Energy to inform the Secretary, in the role of the Secretary as operator and regulator of the defense nuclear facilities of the Department of Energy, in providing adequate protection of public health and safety at such defense nuclear facilities, including with respect to the health and safety of employees and contractors at such facilities.*



Our Powers and Functions

Our enabling legislation also defines our powers and functions; we can

- **Hold hearings, issue subpoenas, and administer oaths**
- **Issue reporting requirements** to the Secretary (which are binding)
- **Conduct special studies regarding adequate protection** of public health and safety
- **Review and evaluate standards** (including orders, regulations, and requirements)
- **Conduct investigations** of any event or practice that the Board determines has adversely affected, or may adversely affect, public health and safety facilities
- **Analyze design and operational data**, including facility design and construction
- **Make Recommendations to the Secretary** with respect to DOE's defense nuclear facilities that the Board determines are necessary to ensure adequate protection of public health and safety



Our Framework

“oversight (n): watchful and responsible care”
(Merriam-Webster Dictionary)

Our primary goal is to help DOE avoid high-risk accidents at defense nuclear facilities

- To avoid high-risk accidents, DOE tries to
 - 1. Identify all hazards and bounding accidents** associated with each activity
 - 2. Identify and implement barriers to prevent or mitigate** possible accidents
 - 3. Conduct the activity within** the functionality of **the barriers**
- **Those barriers are typically people, processes, and plant**

Therefore, our oversight must consider barrier design and implementation; operational context and training; and organizational performance



Our Approach

- **Evaluate DOE's development and use of appropriate safety standards**
- **Focus oversight on high hazard activities and operations in aging facilities**
- **Analyze design of new defense nuclear facilities and approaches to deactivation, decommissioning, and demolition of surplus defense nuclear facilities**
- **Promote stabilization and disposition** of legacy wastes and surplus nuclear materials
- **Evaluate safety management programs and facility safety analyses**
- Identify and encourage **best practices**
- **Communicate** our conclusions to the Secretary **using the appropriate means**, commensurate with the significance of the Board's concerns



Our Interactions with DOE

BOARD

Formal **Recommendations**

Formal **Reporting Requirements**

Board Letters Providing Suggestions

Board Letters Providing Information

Public Hearings/Meetings

Board Members' visits to sites

BOARD'S STAFF

Letters/Reports Providing Information

Focused **Safety Studies**

Letters on **Evaluations of Directives**

Review Agendas/Factual Accuracy Checks

Information Requests

Field Reviews/Meetings



Self-Regulated Agencies

- Consider high-risk operations conducted by self-regulated government agencies
- These agencies have dual responsibilities for both conducting and regulating high-risk activities
- These agencies fulfill non-economic societal needs; the environment is different than commercial entities
- Agencies are not a single organization, but a complex of organizations containing a variety of cultures
- This complex organization and the duality between owner/operator and regulator creates natural conflicts of interest within the agency, making it difficult to establish and maintain a significant degree of independence between the two functions

***Real progress on safety can be made by understanding how people create safety, and by understanding how... safety can break down in resource limited systems.
(Sidney Dekker)***



Three Observations

- **Safety performance is an organization's response to influences**
- By understanding how an organization responds to influences, **one can tailor safety processes to align with the organization's culture**
- **Safety performance erodes in slow, incremental stages**
- **Early detection is difficult but early intervention is essential**
- **Organizational behavior can be measured to understand the culture**
- **Focused, impartial oversight of safety performance is essential**

Workplaces and organizations are easier to manage than the minds of individual workers. You cannot change the human condition, but you can change the conditions under which people work.

(James Reason)



Organizational Influences on Agencies

- **External budgetary pressures** constrain an agency's ability to accomplish its mission
- **Missions are not always clearly defined** and supported
- Senior agency managers are political appointees, **missions, policies, and priorities change frequently**
- **Senior agency managers' time in office is usually limited**
- **Frequent changes in direction and budgets** disrupt long-term corrective and oversight activities
- **Changes in policies may shift safety responsibilities** between Federal staff and contractors
- **Agency may not be able to consistently, independently monitor** status of **contractors' safety performance**



Workforce Motivations in Agencies

- **Profit motivates contractor management;** procuring and obligating funds motivates agency management
- **Workers view agency missions as important** to society, **regardless of cost**
- **Workers view their facilities and capabilities as unique** and irreplaceable
- **Link between safety and productivity is not a strong incentive** for workers
- **Workers resist change, expecting direction to shift with the next senior manager**
- **Perceptions of safety risks can vary widely** at different management levels
 - Activities are dispersed physically and contractually, and range in significance of safety risks
 - **Normalization of deviance**
 - Agencies have **limited ability to balance risks** and resources between contractors
 - Vying for **limited funds encourages misrepresentation of risks** versus benefits



Safety Performance Erodes through Key Stages

(from IAEA, INSAG-13, *Management of Operational Safety in Nuclear Power Plants*, 1999)

1. **Over-confidence.** A result of good past performance and unjustified self-satisfaction
2. **Complacency.** Minor events begin to occur but are not adequately assessed; oversight begins to be weakened due to self-satisfaction
3. **Denial.** More significant events begin to occur; negative oversight findings tend to be rejected as invalid; corrective actions not systematically carried out; improvement programs not completed
4. **Danger.** A few potentially severe events occur; organization consistently rejects criticisms; oversight afraid to confront management
5. **Collapse.** Problems become clear for all to see; management is overwhelmed and usually needs to be replaced

Note: The IAEA believes that it is critical that declining safety performance be detected and corrected before the pattern has progressed into Stage 3



Measuring Organizational Behavior

***Something an organization is: shared values and beliefs.
Something an organization has: structures, practices, systems.
Changing practices is easier than changing values and beliefs.
(James Reason)***

This statement characterizes the common mission of our two organizations

- We evaluate the safety of an organizations' structures, practices, and systems
- We compare those evaluations against appropriate policies, requirements, and standards
- We identify both weaknesses and best practices in the organization
- And we communicate the results of our evaluations to the proper levels of management



Our Mutual Goal

*I'll say that culture change, if it is to mean anything at all, emanates from the top.
The leadership of a company must put in place systems to ensure it is getting the behaviour it wants. It is not cheap, nor is it easy, but it works.
(Andrew Hopkins)*

- **We**, as overseers and enforcers, **cannot directly drive improvements in the safety** of an organization; we all know that
- Therefore, **our goal is to provide clear and compelling cases for change to the leaders of the organization**, convincing them of the need for change



Conclusions

The only thing of real importance that leaders do is to create and manage culture. If you do not manage culture, it manages you, and you may not even be aware of the extent to which this is happening.
(Edgar Schein)

We must always remember:

- **Conducting oversight and enforcement in a self-regulated agency is a unique challenge, both technically and culturally**
- **We cannot fix safety issues that we see in the workplace by making the workplace change, we must provide a clear and compelling case to the senior leaders, and encourage them to take concrete actions**
- **The senior leaders have motivations and priorities that don't always align with safety, we need to also convince them that safety is also good for mission**



Backup slides



Active Board Recommendations

- **Recommendation 2023-1, *Onsite Transportation Safety* [NEW]**
 - Final recommendation transmitted to the Secretary of Energy on January 26, 2024; awaiting Secretarial acceptance.
 - Recommends strengthening DOE safety requirements for onsite transportation of radioactive materials and addressing specific safety deficiencies for transport at Los Alamos.
- **Recommendation 2020-1, *Nuclear Safety Requirements***
 - Recommends strengthening DOE's safety regulatory framework, including its safety management Rule and associated directives and standards.
 - DOE has completed several milestones and is poised to improve critical aspects of its regulatory framework, but the Board remains concerned with DOE's management of safety impacts of aging infrastructure.



Active Board Recommendations [cont'd]

- **Recommendation 2019-2, *Safety of Savannah River Tritium Facilities* [REJECTED BY DOE]**
 - DOE rejected the recommendation on the grounds that it was already addressing the safety issues.
 - Throughout 2023 and 2024 the Board is focused on DOE's progress on cited safety improvements.
- **Recommendation 2019-1, *Pantex Uncontrolled Hazard Scenarios and 10 CFR 830 Implementation***
 - By the end of CY 2023, NNSA and its contractor completed all 69 implementation plan deliverables.
 - For 2024, the Board and NNSA are reviewing effectiveness of the resulting safety basis changes for nuclear explosive operations.
- **Recommendation 2012-1, *Savannah River Site Building 235-F Safety***
 - DOE completed removing combustibles and prepared the building for deactivation in CY 2022.
 - DOE is monitoring conditions through routine structural and radiological inspections; results are shared annually with the Board for detailed analyses.



Los Alamos National Laboratory

Plutonium Facility (PF-4)

- Continued delays with safety system upgrades.
- Safety basis weaknesses.
- Mission growth continues.

Safety of Onsite Transportation of Radioactive Materials

- Board issued Recommendation 2023-1.
- NNSA implemented compensatory safety measures.
- Need safety basis revision with improved suite of controls.

Waste Management Challenges

- Transuranic waste hazards and controls slowly being addressed.
- Flanged Tritium Waste Containers remain unvented.
- Interruptions of transuranic waste remediation at Area G.



Doors in Passive Confinement for Plutonium Facility at Los Alamos



Cliff Alongside Transportation Route in Los Alamos



Savannah River Site

Tritium Facilities

- Design basis accidents have large onsite consequences.
- Delays in Tritium Finishing Facility.

Processing and storage of nuclear materials

- Plutonium and spent nuclear fuel storage and processing.

Processing of high-level radioactive waste

- Tank waste processing and tank closure.

Savannah River National Laboratory Safety Basis



L-Area Spent Fuel Basin



Salt Waste Processing Facility



Pantex Plant

Continued Operational Issues Amid Push for Production

- Concerns regarding the formal conduct of operations relied on to avoid high-consequence events.
- Recent quality assurance lapses.

Safety Basis Redesign and Alternate Safety Basis Methodology

- Simplifying and strengthening the safety basis and controls for nuclear explosive operations.

Closure of Legacy Conditions of Approval and Planned Safety Improvements

- Board Recommendation 2019-1.
- Some legacy conditions of approval closed without fully addressing safety improvements.



Y-12 National Security Complex

Nuclear Criticality Safety Program

- Ineffective nuclear criticality safety corrective actions.
- Special Event Investigation in 2023 identified need for additional corrective actions.

Reactive Materials Hazards in Production Facilities

- Concerns with thermal runaway reactions during processing of pyrophoric uranium materials.
- Based on continuing pyrophoric events, Board will perform a follow-up review in 2024.



Hanford Site

High Level Waste Facilities:

- Direct Feed Low Activity Waste Facility commissioning & start-up.
- Questions on Tank-Side Cesium Removal performance.
- Management of aging tank farm infrastructure.
- 242-A Evaporator engineered safety controls.

River Corridor Cleanup:

- Stabilization & decontamination work at Building 324 halted.

Central Plateau:

- Central Waste Complex fire suppression system.
- Preparing to remove capsules from Waste Encapsulation and Storage Facility.



Tank Side Cesium Removal System Process Enclosure



Hanford Site Building 324
High Contamination Area Training



Waste Isolation Pilot Plant

Salt Handling Shaft Structure

- Structural issues and operational impacts.

New Infrastructure

- Utility Shaft Project.
- Safety-Significant Confinement Ventilation System Project.



Board Visit to WIPP August 2023



Idaho National Laboratory

Flammable Gas Hazards in Nuclear Waste Drums

- Slow implementation of DOE-STD-5506-2021, *Preparation of Safety Basis Documents for Transuranic (TRU) Waste Facilities.*

Integrated Waste Treatment Unit

- Processed ~68,000 gallons of liquid waste prior to shut down for repairs.

TRU Waste Management

- Preparing to retrieve highly radioactive calcined material from underground storage facilities.



Nevada National Security Site

Quality of Safety Bases

- Continuing inadequate quality of contractor safety basis submittals.

Device Assembly Facility/National Criticality Experiments Research Center

- Deteriorated fire water supply tank.

Principal Underground Laboratory for Subcritical Experimentation (PULSE) [formerly U1a Complex]

- Enhanced Capabilities for Subcritical Experiments design and safety basis questions.



Device Assembly Facility



Lawrence Livermore National Laboratory

LLNL Plutonium Facility

- Evaluating updated seismic analysis.
- Software Quality Assurance for Plutonium Facility Continuous Air Monitors could be improved.
- Startup of New Recovery Glovebox Line.



Recovery Glovebox Line



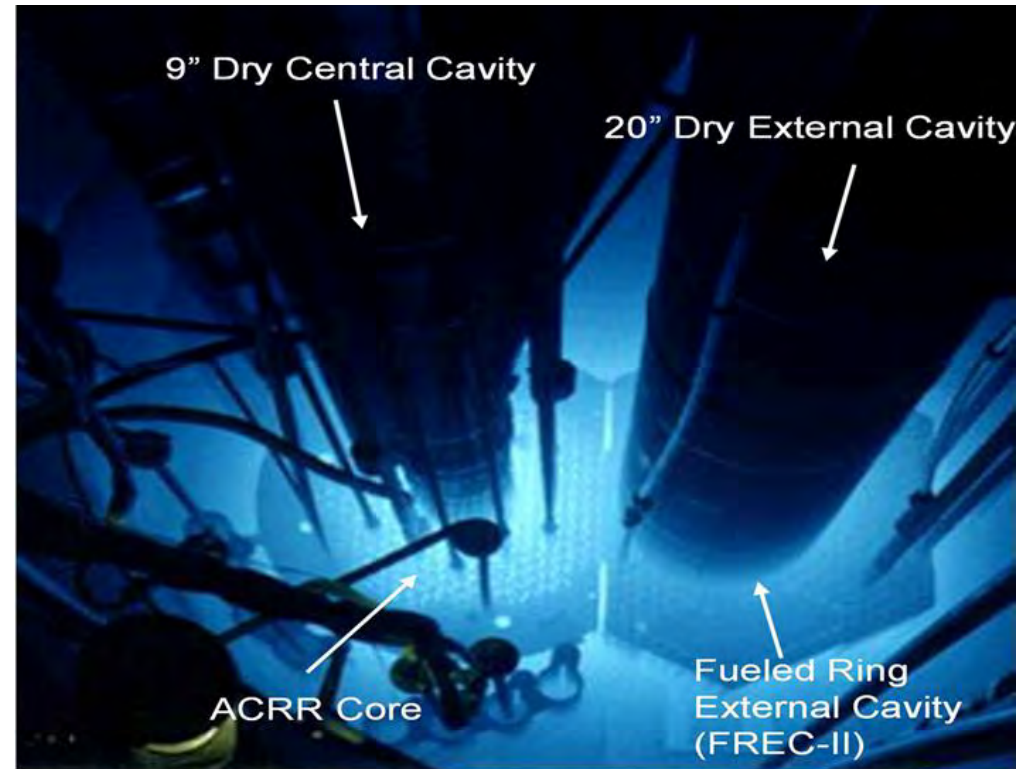
Sandia National Laboratories

SNL Annular Core Research Reactor

- Development of alternate methodology for safety analysis.
- Conduct of operations difficulties.

SNL Emergency Preparedness and Response Program

- Concerns with effectiveness of efforts to address safety deficiencies.



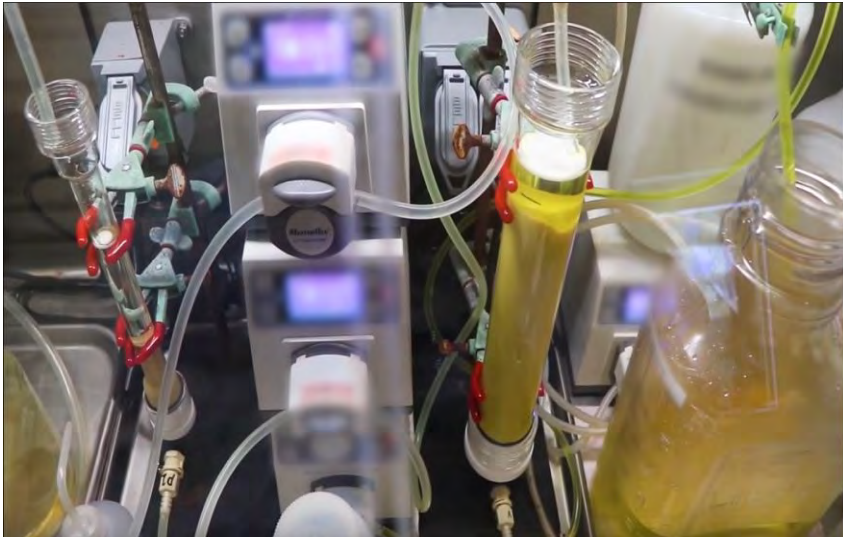
Annular Core Research Reactor



Oak Ridge National Laboratory

Downblending U-233 oxide powders, metals, monoliths, and salts for offsite disposal

- Started Initial Processing Campaign in Building 2026 in October 2022.
- Currently processing lower hazard oxide materials; preparing to begin with higher hazard oxides.



Two Views inside the glovebox in Building 2026



Design and Construction

Significant Projects Under Board Purview

- Hanford **Waste Treatment and Immobilization Plant** and related facilities.
- Los Alamos **Plutonium Pit Production Project**.
- Nevada Enhanced Capabilities for **Subcritical Experiments Project**.
- Savannah River **Plutonium Processing Facility**.
- Savannah River Site **Surplus Plutonium Disposition Project**.
- Waste Isolation Pilot Plant **Safety Significant Confinement Ventilation System and Utility Shaft**.
- Y-12 National Security Complex **Uranium Processing Facility**.



Savannah River Plutonium Processing Facility



Hanford Waste Treatment and Immobilization Plant

2024 DOE Safety and Security Enforcement Workshop

3:00 – 3:30

Break

Case Studies | Worker Safety and Health

Room 6339

3:30 – 5:00

Case Studies | Nuclear Safety

Room 6375

Case Studies | Information Security

Room 6510

EA Staff Site Assignments

DOE NNSA Site	Program Office	EA-11	EA-12	EA-13
Ames Laboratory	SC	Lori Gray	Joseph DeMers	
Argonne National Laboratory	SC	Andrea Reid	Margaret Kotzalas	Karen Sims
Brookhaven National Laboratory	SC	Jason Capriotti	Joseph DeMers	Karen Sims
DOE Headquarters	HQ	Stanley Dutko		Charles Isreal
East Tennessee Technology Park	EM	Andrea Reid	Joseph DeMers	
EM Consolidated Business Center <i>formerly</i> SPRU	EM	Stanley Dutko	Christian Palay	Charles Isreal
Fermi National Laboratory	SC	Scott Wenzholz	Margaret Kotzalas	
Hanford - Richland	EM	Stanley Dutko	Christian Palay	Karen Sims
Hanford - River Protection	EM	Stanley Dutko	Christian Palay	Karen Sims
Idaho Cleanup Project	EM	Scott Wenzholz	Margaret Kotzalas	
Idaho National Laboratory	NE	Scott Wenzholz	Christian Palay	Charles Isreal
Kansas City National Security Campus	NA	Jason Capriotti	Christian Palay	Karen Sims
Lawrence Berkeley National Laboratory	NA	Robert Smith	Alayna Pearson	
Lawrence Livermore National Laboratory	NA	Scott Wenzholz	Margaret Kotzalas	Charles Isreal
Legacy Management	LM	Andrea Reid		
Los Alamos National Laboratory	NA	Jason Capriotti	Margaret Kotzalas	Karen Sims
Moab UMTRA Project	EM	Lori Gray	Alayna Pearson	
National Renewable Energy Laboratory	EERE	Andrea Reid		
Nevada National Security Sites	NA	Stanley Dutko	Christian Palay	Charles Isreal
Oak Ridge National Laboratory	EM/SC	Andrea Reid	Christian Palay	Karen Sims
Office of Secure Transportation	NA	Stanley Dutko	Joseph DeMers	Charles Isreal
Pacific Northwest National Laboratory	SC	Lori Gray	Alayna Pearson	Karen Sims
Paducah Paducah Gaseous Diffusion Plant	EM	Robert Smith	Margaret Kotzalas	Charles Isreal
Portsmouth Gaseous Diffusion Plant	EM	Robert Smith	Margaret Kotzalas	Charles Isreal
Pantex Plant	NA	Jason Capriotti	Joseph DeMers	Charles Isreal
Princeton Plasma Physics Laboratory	SC	Robert Smith	Joseph DeMers	
Sandia National Laboratories	NA	Lori Gray	Joseph DeMers	Karen Sims
Savannah River Site	EM/SC	Scott Wenzholz	Alayna Pearson	Charles Isreal
SLAC National Accelerator Laboratory	SC	Robert Smith	Alayna Pearson	
Southwestern Power Administration	SWPA	Stanley Dutko		
Thomas Jefferson National Acc. Laboratory	SC	Stanley Dutko	Christian Palay	
Waste Isolation Pilot Plant	EM	Lori Gray	Joseph DeMers	Charles Isreal
West Valley Demonstration Project	EM	Stanley Dutko	Margaret Kotzalas	
Y-12 National Security Complex	NA	Jason Capriotti	Alayna Pearson	Charles Isreal
Yucca Mountain Project Office		Scott Wenzholz		



2024 DOE Safety and Security Enforcement Workshop

WELCOME BACK!

Anthony Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments

Agenda

May 8, 2024

8:00 - 8:10	Office of Enforcement Welcome Back	Anthony Pierpoint, Director, Office of Enforcement
8:10 - 8:30	Whistleblower Protection Provisions	Robin Keeler, Deputy Director, Office of Enforcement
8:30 - 9:00	DOE Employee Concerns Program	James Hutton, Director, Employee Workplace Programs Office of Environment, Health, Safety and Security
9:00 - 9:30	Worker Safety and Health Policy News and Update	James Dillard, Director, Office of Worker Safety and Health Policy Office of Environment, Health, Safety and Security
9:30 - 10:00	Break	
10:00 - 10:30	Regulatory Program Assistance Review Discussion	Carrienne Zimmerman, Director, Office of Security Enforcement
10:30 - 11:00	Security Enforcement Presentation - 470.4B Changes	Alan Johnson, IOSC Program Manager, Pacific Northwest National Laboratory
11:00 - 11:45	Phase 1 - Performance Monitoring and Noncompliance Sources	Jason Capriotti, Enforcement Officer, EA-11 Joseph Demers, Enforcement Officer, EA-12 Linwood Livingston, Contractor, EA-13 Heath Garrison, Enforcement Coordinator, NREL

Agenda *(cont'd)*

May 8, 2024

11:45 - 1:15	Lunch	
1:15 - 2:00	Phase 2 - Noncompliance Screening, Identification, and Tracking Systems	<p>Stanley Dutko, Enforcement Officer, EA-11</p> <p>Christian Palay, Enforcement Officer, EA-12</p> <p>Karen Sims, Enforcement Officer, EA-13</p> <p>Tracy Chance, Enforcement Coordinator, Oak Ridge National Laboratory</p>
2:00 - 2:45	Phase 3 - Noncompliance Tracking System and SSIMS Reporting and Closeout	<p>Robert Smith, Enforcement Officer, EA-11</p> <p>Margaret Kotzalas, Enforcement Officer, EA- 12</p> <p>Charles Isreal, Enforcement Officer, EA-13</p> <p>Tamara Baldwin, Enforcement Coordinator, Savannah River Nuclear Solutions</p>
2:45 - 3:15	Break	
3:15 - 4:45	Case Studies Worker Safety and Health	Room 6339
	Case Studies Nuclear Safety	Room 6375
	Case Studies Information Security	Room 6510
4:45 - 5:00	Feedback and Closing	Anthony Pierpoint, <i>Director, Office of Enforcement</i>



Whistleblower Protection

Robin Keeler

Deputy Director

Office of Worker Safety & Health Enforcement

Office of Enterprise Assessments

Whistleblower Protection

DOE Contractor Employee Protection Program (10 C.F.R. Part 708)

- **Procedures for processing complaints** by employees of DOE contractors alleging retaliation by their employers for disclosure of information **concerning danger to public or worker health or safety, substantial violations of law**, or gross mismanagement; for participation in Congressional proceedings; or for refusal to participate in dangerous activities
- Contractors may file complaint through DOE's Employee Concerns Program (ECP)
- **ECP Officials screen the complaints and forward them to the DOE Office of Hearings and Appeals (OHA)**
- 90-day statute of limitation
- Ruling may be appealed to the Secretary



Whistleblower Protection, cont'd

Energy Reorganization Act (ERA) (42 U.S.C. § 5851 and 29 C.F.R. Part 24)

- Administered by Department of Labor (DOL)
- Applies to Federal and Contractor employees
- Claims processed by an Administrative Law Judge
- **Unlike 708, DOE contractor employees may also file suit in federal court under ERA, after one year**
- **180-day statute of limitation**



Whistleblower Protection, cont'd

Enhanced Whistleblower Protection (41 U.S.C. Section 4712)

- Established as a Pilot Program in 2013 – Expanded scope
- **Investigated by the DOE Inspector General**
- Does not involve formal administrative hearings
- OHA may issue an order of remedy which is enforceable in Federal Court
- **3-year statute of limitation**
- <https://www.energy.gov/ig/articles/inspection-report-doe-oig-20-04>

Office of Enforcement: Whistleblower Outcomes

1 Enforcement Letter

- **2004:** Westinghouse Savannah River Company at SRS: employee was terminated after raising safety-related issues

3 Preliminary Notice of Violations (PNOVs)

- **2005:** EA-2005-03; 10 CFR 708 violation – Safety and Ecology Corporation at the Portsmouth Gaseous Diffusion Plant for a violation of 10 C.F.R. 708; employee dismissal for raising nuclear safety concerns; Severity Level (SL) 2 violation
Civil Penalty = \$55,000
- **2008:** NEA-2008-03; 10 CFR 708 violations – Bechtel National, Inc., associated with an employee retaliation for making nuclear safety-related disclosures at the Hanford Waste Treatment and Immobilization Plant (WTP) at the Hanford Site. SL2 CP = \$41,250
- **2018:** WEA-2017-02; Savannah River Nuclear Solutions, LLC (SRNS) termination of an SRNS employee at the Savannah River Site. SL1 CP = \$320,000 (**10 CFR 851**)

Savannah River Nuclear Solutions Retaliation Case



Summary

Case involved retaliation by SRNS against the SRNS Employee Concerns Program (ECP)

Manager

- Served as the ECP Manager at SRNS for 6 years. Had worked at the site for 37 years
- Fired by SRNS in January 2015
- Case received congressional interest

History and Chronology

August 2014

- U.S. Government Accountability Office (GAO) initiates review of DOE/Contractor Whistleblower Protection Programs; SRNS is included in the review



Fall 2014

- GAO interviews SRNS ECP Manager
- ECP Manager provides documentation following request for information from GAO

January 7, 2015

- SRNS terminates ECP Manager

April 2015

- ECP Manager files a retaliation complaint with DOE's Office of the Inspector General
 - Enhanced Whistleblower Protections (41 USC 4712)
- Also filed complaints under 708 and ERA

History and Chronology, cont'd

January 24, 2017

- **OIG issues Whistleblower Retaliation Investigation Report**
 - Found that the **complainant made a protected disclosure to representatives of the Government Accountability Office (GAO)**, and that SRNS management was aware of this disclosure when it terminated complainant's employment on January 7, 2015
 - Further found the **complainant proved that the protected disclosure was a contributing factor in the termination**

S-1 then assigned OHA to adjudicate the finding

History and Chronology

February 23, 2017

- DOE's Office of Hearing and Appeals (**OHA**) issues **Order to SRNS**
- **OHA orders SRNS to reinstate the employee.** Order includes additional compensatory damages

May 3, 2017

- Office of Enforcement issues Notice of Intent to Investigate to SRNS

History and Chronology, cont'd

August 2017: Enforcement conducted onsite investigation

- Interviewed ECP Manager, ECP Staff and current SRNS President
- Confirmed 10 CFR 851 nexus
 - 3 safety related issues regarding chemical storage, screening, and management, and compressed gas cylinder management
- Evaluated corrective actions

November 8, 2017, in coordination with EM-HQ and DOE-SR, Enforcement issued PNOV to SRNS

- Cites one violation
- Escalation of three additional days for each safety concern
- No mitigation

December 5, 2017, SRNS issues non-contest letter with Civil Penalty payment

Whistleblower Resources

- DOE's Employee Concerns Program (</ehss/services/doe-employee-concerns-program>), or
- The DOE Office of Inspector General (</ig/services>)
- What relief is available to an employee who has suffered retaliation for whistleblowing?
 - Job restoration
 - Reversal of suspensions and other adverse actions
 - Back pay
 - Reasonable and foreseeable consequential damages, such as medical costs, attorney fees, and compensatory damages
 - In addition, damages may be awarded for attorney fees and expenses incurred due to retaliation

Questions?



**U.S. Department of Energy
Office of Environment, Health, Safety &
Security**

**Annual Activity Report Fiscal
Year 2023**

May 2024



Annual Activity Report

FY 2023



- DOE O 442.1B, *Department of Energy Employee Concerns Program*, tasks the ECP Director to provide information on program activities, lessons learned, and the effectiveness of DOE and Contractor ECP implementation.

FY 2023 Statistical Data

FY23 DOE/NNSA Complex-Wide Activity

Federal ECP Out-of-Scope Contacts	114
Federal ECP Concern Files Opened	188
Contractor ECP Non-Concern Contacts	1225
Contractor ECP Concern Files Opened	1514
Total Out-of-Scope Contacts	1339
Total Concern Files Opened	1702
Total Contacts by Concerned Individuals	3041

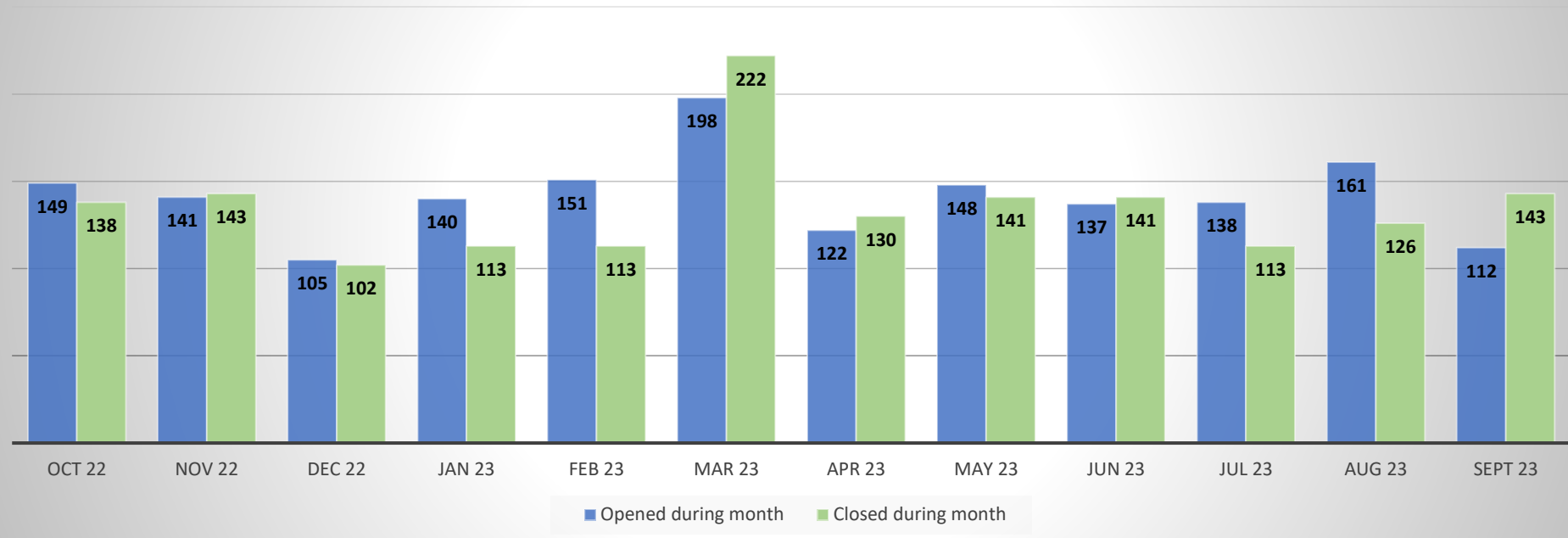
FY 2023 Statistical Data

FY23 DOE/NNSA Complex-Wide Activity

	FY22	FY23	
Federal ECP Out-of-Scope Contacts	101	114	+13
Federal ECP Concern Files Opened	280	188	-92
Contractor ECP Non-Concern Contacts	1321	1225	-96
Contractor ECP Concern Files Opened	1558	1514	-44
Total Out-of-Scope Contacts	1422	1339	-83
Total Concern Files Opened	1838	1702	-136
Total Contacts by Concerned Individuals	3260	3041	-219



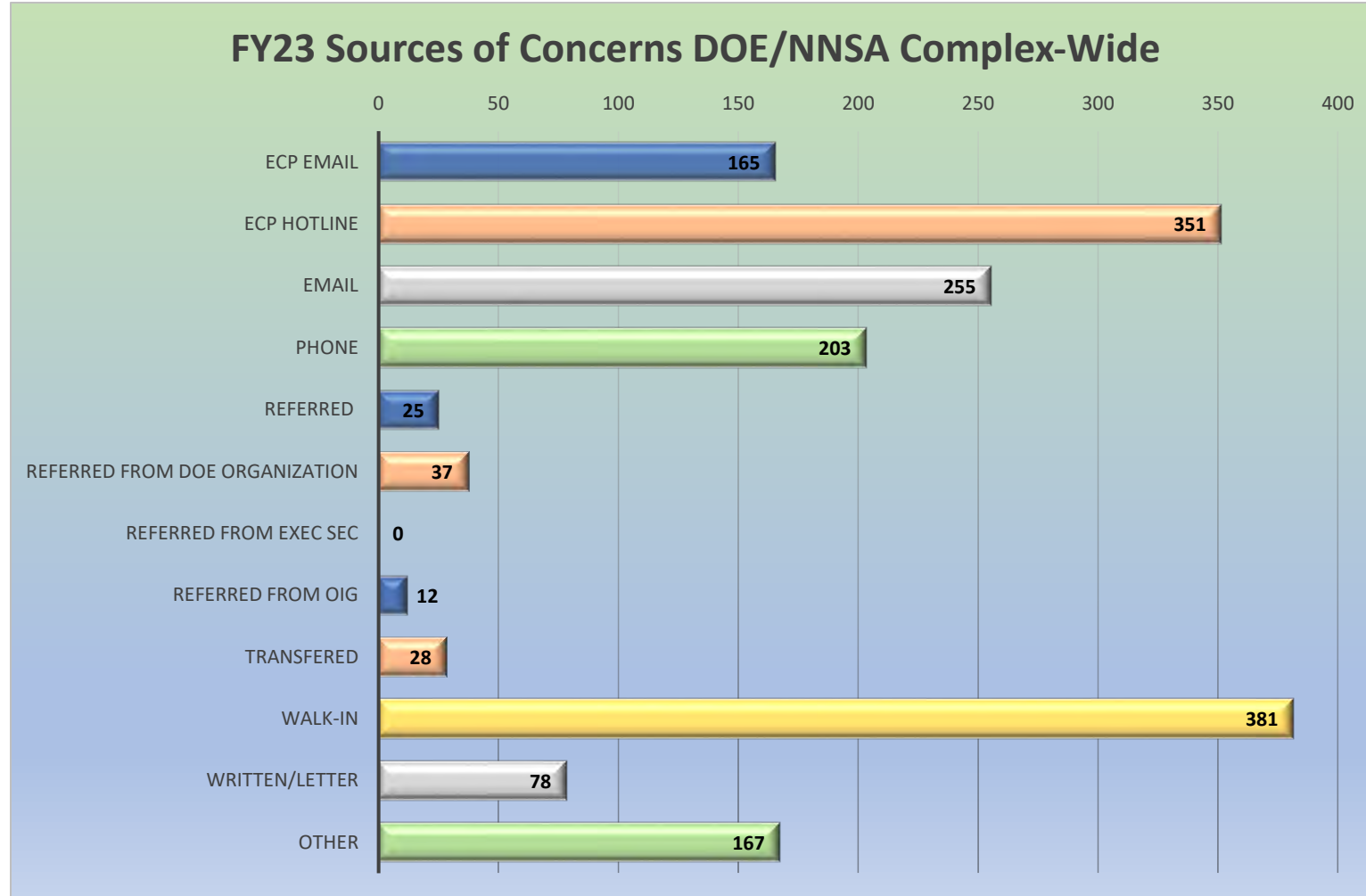
Concern Files Open/Closed DOE/NNSA Complex-Wide



Monthly Activity



Sources of Concern





Concern File vs Number of Issues



Each concern will contain at least one Issue and may include several Issues that need to be addressed.



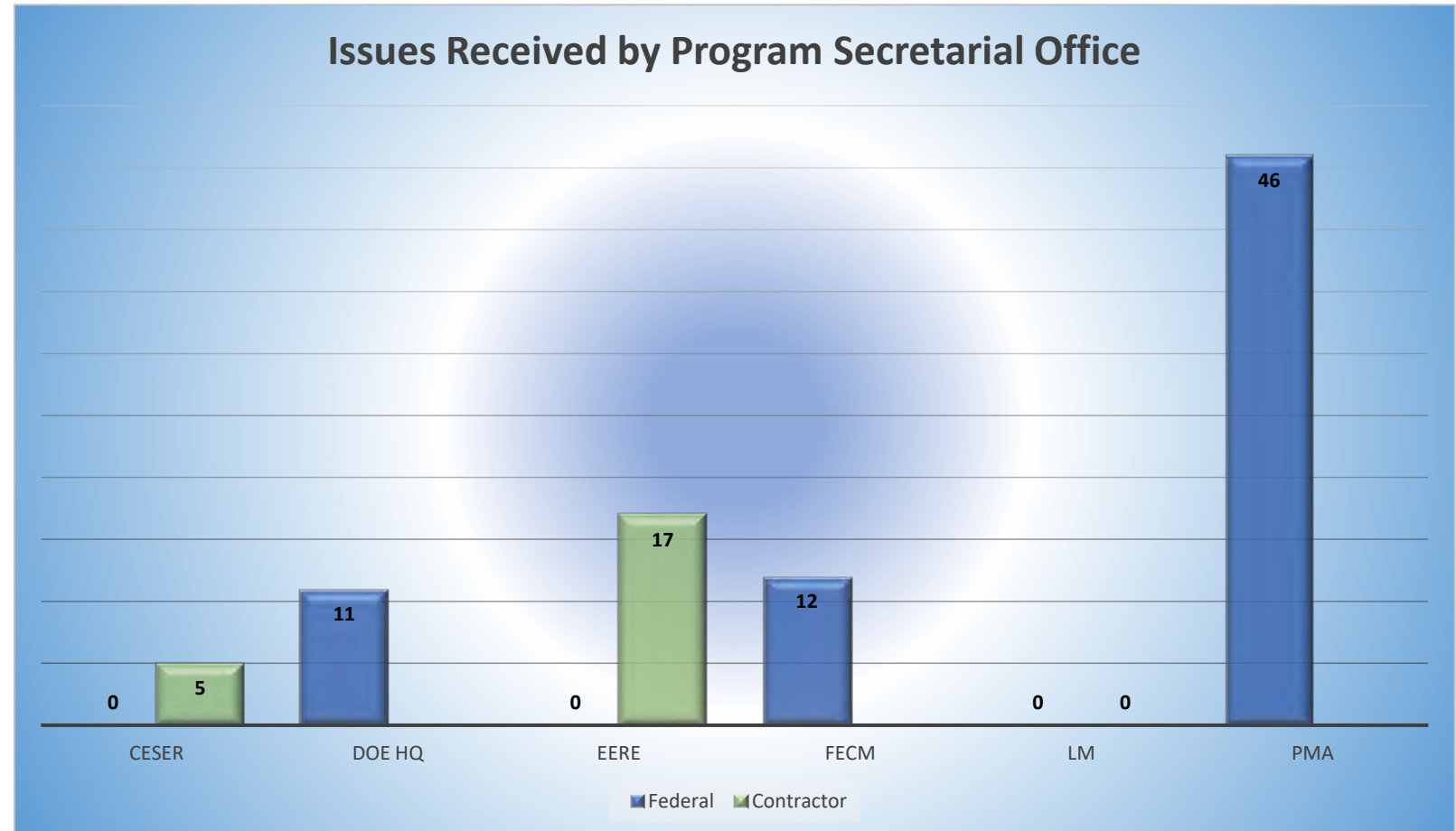
ECPs may process individual Issues separately, as needed, within a concern file, to include transferring any Issues that are outside the scope of the ECP to another organization.



For example, one concern may include a safety Issue, a mismanagement Issue, and an HR Issue within the same concern.

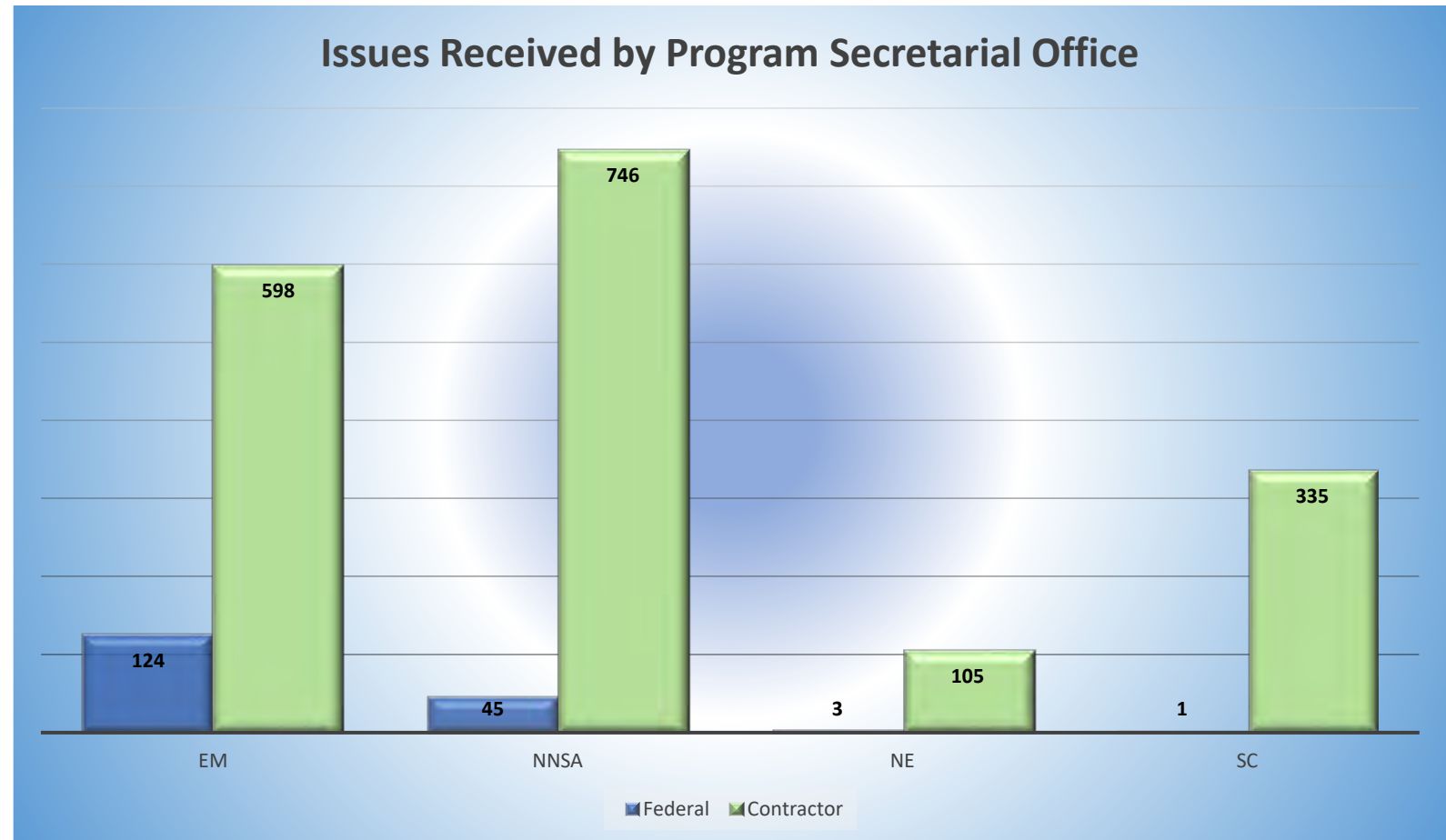


Number of Issues by Program Secretarial Office

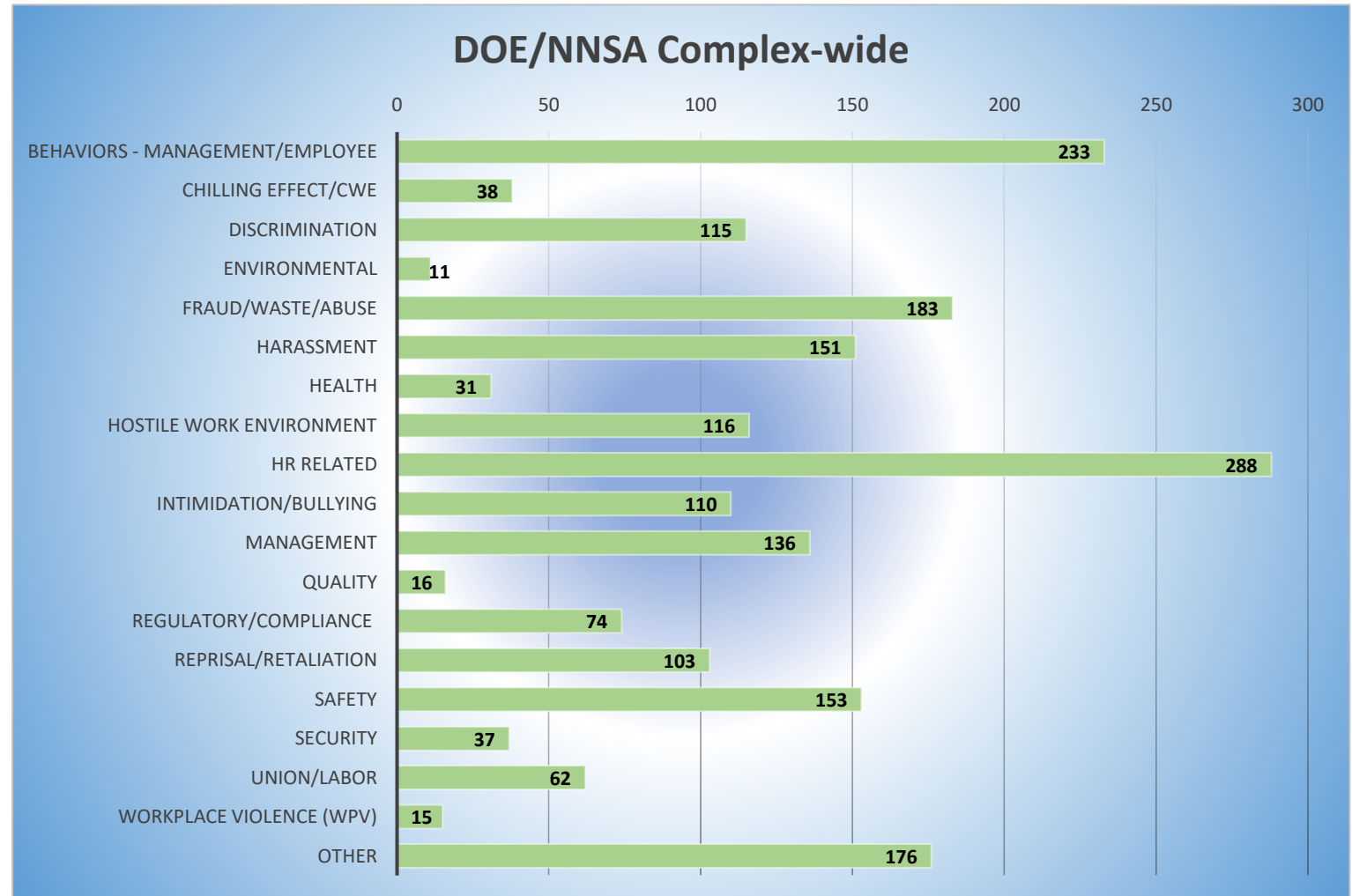




Number of Issues by Program Secretarial Office

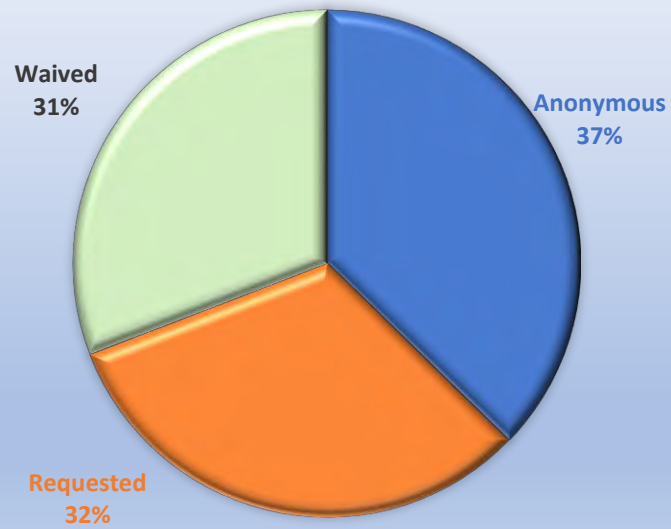


Categories of Issues

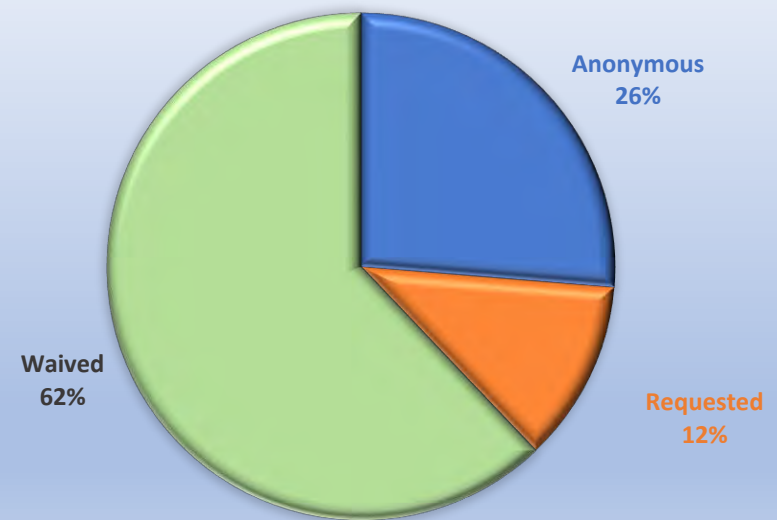


Confidentiality Requested

FY23 LEVEL OF CONFIDENTIALITY REQUESTED
FEDERAL ECP

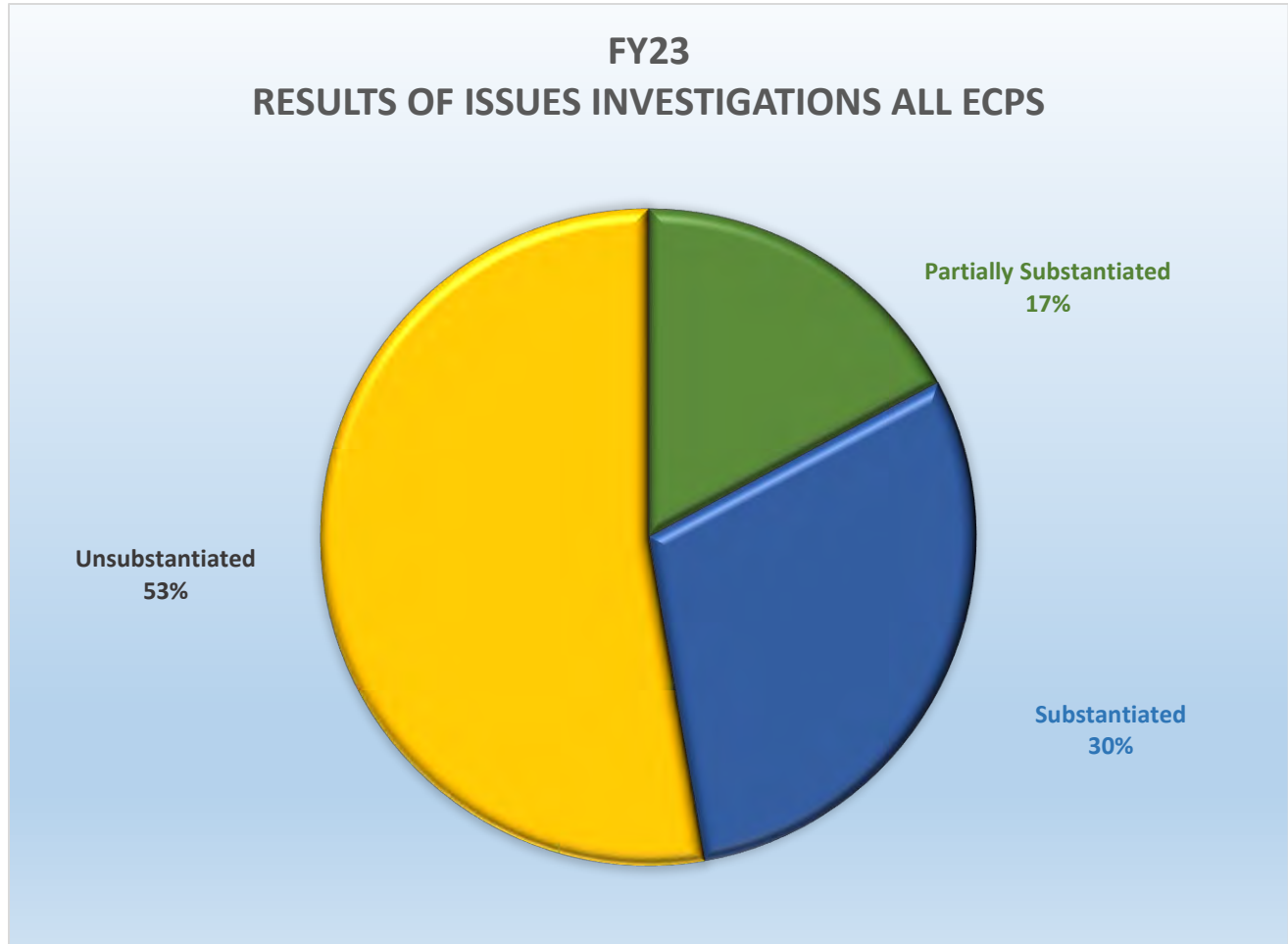


FY23 LEVEL OF CONFIDENTIALITY REQUESTED
CONTRACTOR ECP





Disposition of Issues



Program
Reviews
and Lessons
Learned

U.S. DEPARTMENT OF ENERGY



EMPLOYEE CONCERNS PROGRAM

Program Reviews



- Conducted Program Reviews of 23 DOE/NNSA ECPs
- Included Gap Analysis comparing Site ECP's Procedure to DOE Order
- Evaluated ECPs using *ECP Assessment Objectives and Attributes* document
- Identified Strengths and Areas for Improvement
- Provided recommendations for Program Improvement

Results from Program Reviews



- Site ECPs would benefit from:
 - More definitive ECP procedures
 - Trained/experienced ECP personnel
 - Better communication to site population
 - Stronger senior management support



Lessons Learned



- Clarification of roles/responsibilities
 - Feedback from ECP community
 - Issues identified by OIG Report
 - Issues identified by GAO Report
- Order Revision
- Continuing TLP-310 Training – 2 Classes provided so far



Lessons Learned



- DOE ECP Energy.gov Website:
<https://www.energy.gov/ehss/doe-employee-concerns-program>
- Sitewide ECP Contact List:
<https://www.energy.gov/ehss/articles/doe-employee-concerns-program-contact-list>
- Annual Notification of Department of Energy's Employee Concerns Program
<https://www.energy.gov/ehss/articles/memorandum-annual-notice-regarding-doe-employees-concerns-program>
- DOE ECP Brochure:
<https://www.energy.gov/ehss/articles/ecp-printable-brochure>



Office of Worker Safety and Health Policy

Presentation to the 2024 DOE Safety and Security Enforcement Workshop

May 8, 2024

James Dillard, CHP
Director, Office of Worker Safety and Health Policy (EHSS-11)
Office of Environment, Health, Safety and Security
U.S. Department of Energy





Environment, Health, Safety and Security

Office of Environment, Health, Safety and Security

Todd Lapointe
Director

Christopher Roscetti
Deputy Director for ES&H

EHSS-1

Office of Health and Safety

Kevin Dressman
Director

EHSS-10

Office of Worker Safety and Health Policy

Jim Dillard
Director

EHSS-11

Worker Safety and Health Policy

Industrial Hygiene

Michael Boley

April Brown

Joe Dobbins

Regina Price

Jackie Rogers (PEC)

Radiation Protection

Dave Pugh

George Chiu

Occupational Safety

Moriah Ferullo

Tina Fehringer

Maurice Haygood

Mallory Neyens

Admin Support

Arlene Schindler-
Anim (PEC)



Worker Safety and Health Policy

Establish Departmental expectations for worker safety and health through the development of rules, directives, and guidance.

- Serve as a Federal resource for worker safety and health (WS&H) policy, providing knowledge and support to assist regulated communities in meeting WS&H requirements.
- Identify issues, challenges, and gaps with existing policy structure and work with community recognize available tools and flexibilities and develop new solutions.
- Develop tools to assist DOE programs in implementing and improving WS&H programs.



Responsibilities

- Rulemaking
 - 10 CFR 707, 835, 850, 851
- Policy Support
 - Exemptions/Variations
 - Technical Standards
 - Directives
 - PC Portal
 - FAQs
 - WS&H WebEx
- DOELAP Administration
- FEOSH
 - Program Administration
 - AU Program
- Working Group Support
 - ANSI A10, N13, N43, Z88
 - EFCOG
 - IAEA EGDLE
 - Beryllium Health and Safety
 - Dam Safety Steering Committee



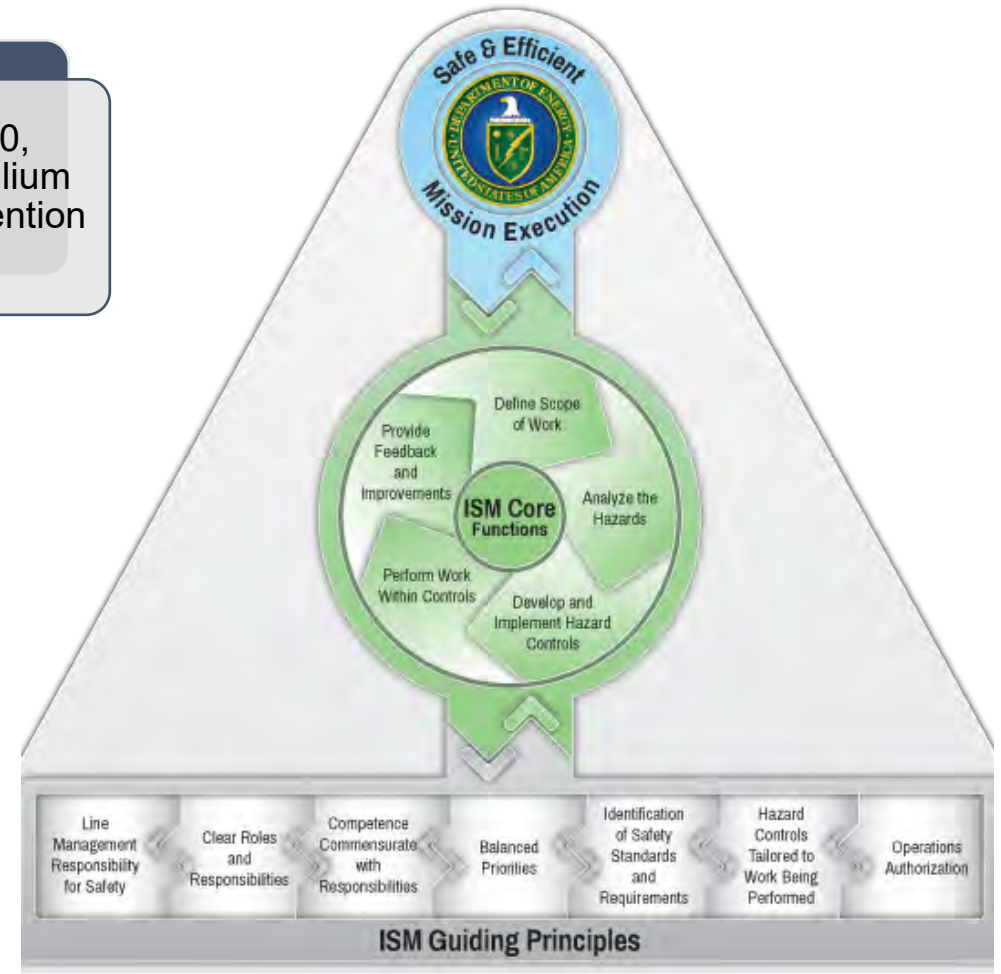
WS&H Framework

10 CFR 851,
Worker Safety &
Health Program

10 CFR 835,
Occupational
Radiation
Protection

10 CFR 850,
Chronic Beryllium
Disease Prevention
Program

- Prescriptive Requirements
 - Occupational Exposure Limits
 - Contamination Limits
 - Incorporated Standards
- Performance-based requirements
 - Safety and health programs
 - Systematic Approach for preventing hazards
- Implementation Guides
 - DOE G 440.1-1B, 441.101C, 440.1-7A





Policy Initiatives

- Construction Safety
- Integrated Safety Management
 - Benchmarking
 - ISM Champions Counsel
- Laser Safety
 - DOE Laser Exemption
- Pressure Vessels
 - EN Equivalency
- Hard-to-detect radionuclides
- Technical Standards
 - Chemical Safety Management
 - Electrical Safety Program
 - Laser Safety
 - Physiological Monitoring for Heat Strain
 - Radiological Control Technician Training
- Directives
 - Worker Protection Program for DOE



Tools and Resources

- WS&H WebEx Series

DATE OF WEBEX	TOPIC
Wednesday – May 8	Electrical Safety
Thursday – Jun 20	Rad Protection/Radon
Wednesday – Jul 17	Laser & Fusion Energy
Wednesday – Aug 21	Safety/IH Topic TBD
Wednesday – Sept 18	Accident Investigations
Wednesday – Nov 13	Chemical Safety

- Energy Hub

Worker Safety & Health Policy

Welcome to the Office of Worker Safety and Health Policy Hub! The goal of this site is to provide a resource for organizing worker safety and health policy information, tools, and resources into a user-friendly environment. The Office of Worker Safety and Health Policy assists the Department by facilitating the establishment of worker safety and health requirements and expectations to ensure protection of workers from the hazards associated with DOE operations.

News See all

+ Add ▾

Let's Get Up and Move at Work!

Eye Safety for a Solar Eclipse

2024 Laser Safety Officer Workshop

MOU with NIOSH for DOE Subterranean/...

Upcoming Events See all

+ Add event

EFCOG Worker Safety and Health Subgroup Meeting
Mon, Apr 15, All day

32nd Annual Joint Safety and Environmental Professional Development Symposium
Mon, Apr 22, All day

Spring Beryllium Health and Safety Committee Meeting
Tue, Apr 23, All day

DOE Laser Safety Officer Workshop
Tue, Apr 30, All day

Electrical Safety Webex
Wed, May 8, 2:00 PM

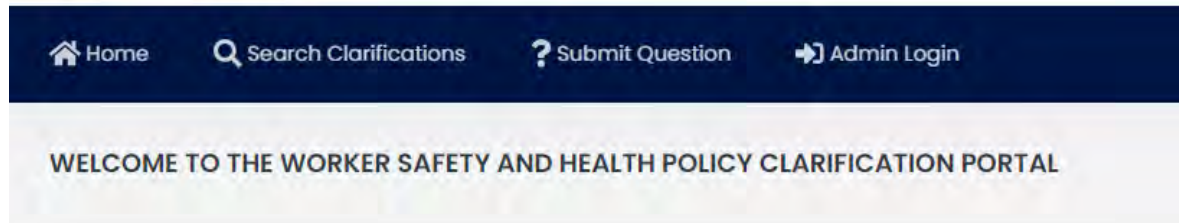
2024 DOE & DOE Contractor Industrial Hygiene Forum at the AIHA Connect (in-...
Mon, May 20, 6:00 PM

Rad Protection Webex
Thu, Jun 20, 2:00 PM



Tools and Resources

- Policy Clarification Portal
 - Request policy clarification
 - Search clarifications



- WS&H Policy Mailing List



- WebEx invitations
- Policy Clarifications
- Standard/Directive Developments
- Rulemaking news
- Event Notifications



Questions?

Jim Dillard, CHP

Director, Office of Worker Safety and Health Policy

(p)301-903-1165

(e) james.dillard@hq.doe.gov

<https://www.energy.gov/ehss/worker-safety-and-health-policy>

<https://www.energy.gov/ehss/wsh-webex-series-archives>

[PCPortal.doe.gov](https://www.energy.gov/ehss/wsh-webex-series-archives)



U.S. DEPARTMENT OF
ENERGY



2024 DOE Safety and Security Enforcement Workshop

BREAK

9:30 – 10:00



Regulatory Program Assistance Review Discussion

Carrienne Zimmerman
Director
Office of Security Enforcement

Safety and Security Regulatory Program Assistance Review – Purpose and Value

- Establish and strengthen communication flow between contractor safety/security/enforcement program personnel and the Office of Enforcement
- Increase senior management awareness of safety and security regulatory program process strengths and challenges
- Offer contractors the opportunity to validate its resource investment in the regulatory program

Safety and Security Regulatory Program Assistance Review – Purpose and Value (cont'd)

- Build confidence in the contractor's ability to effectively identify and correct noncompliance
- Familiarize Office of Enforcement personnel with site operations
- Provide constructive feedback to enhance the safety and security regulatory program processes
- Increase engagement with Federal safety/security/enforcement partners

Safety and Security Regulatory Program Assistance Review – Conduct

- When to recommend a review
 - Never hosted a review
 - New contractor/ new personnel
 - Contractor mission change

Safety and Security Regulatory Program Assistance Review – Conduct (Cont'd)

- Preparation activities
 - Coordinate onsite dates
 - Draft proposed agenda
 - Request documents for pre-onsite visit review

Safety and Security Regulatory Program Assistance Review – Conduct (Cont'd)

■ **Pre-onsite visit review activities**

- Contractor safety and security program plans and procedures
- NTS and ORPS reports
- SSIMS Incidents of Security Concern Reports
- Self-assessment reports
- Training
- Issues management

Safety and Security Regulatory Program Assistance Review – Conduct (Cont'd)

- **Post-onsite visit activities**
 - Prepare informal feedback document addressing strengths and recommendations
 - Recommendations are non-mandatory
 - No response required

Safety and Security Regulatory Program Assistance Review – Conduct (Cont'd)

■ **Onsite visit activities**

- 2 – 3 days onsite
- 2 – 3 Office of Enforcement personnel
- Interview program management/personnel
- Review documentation
- Site familiarization tour
- Exit meeting

Questions?





IOSC Changes 470.4B → 470.1A

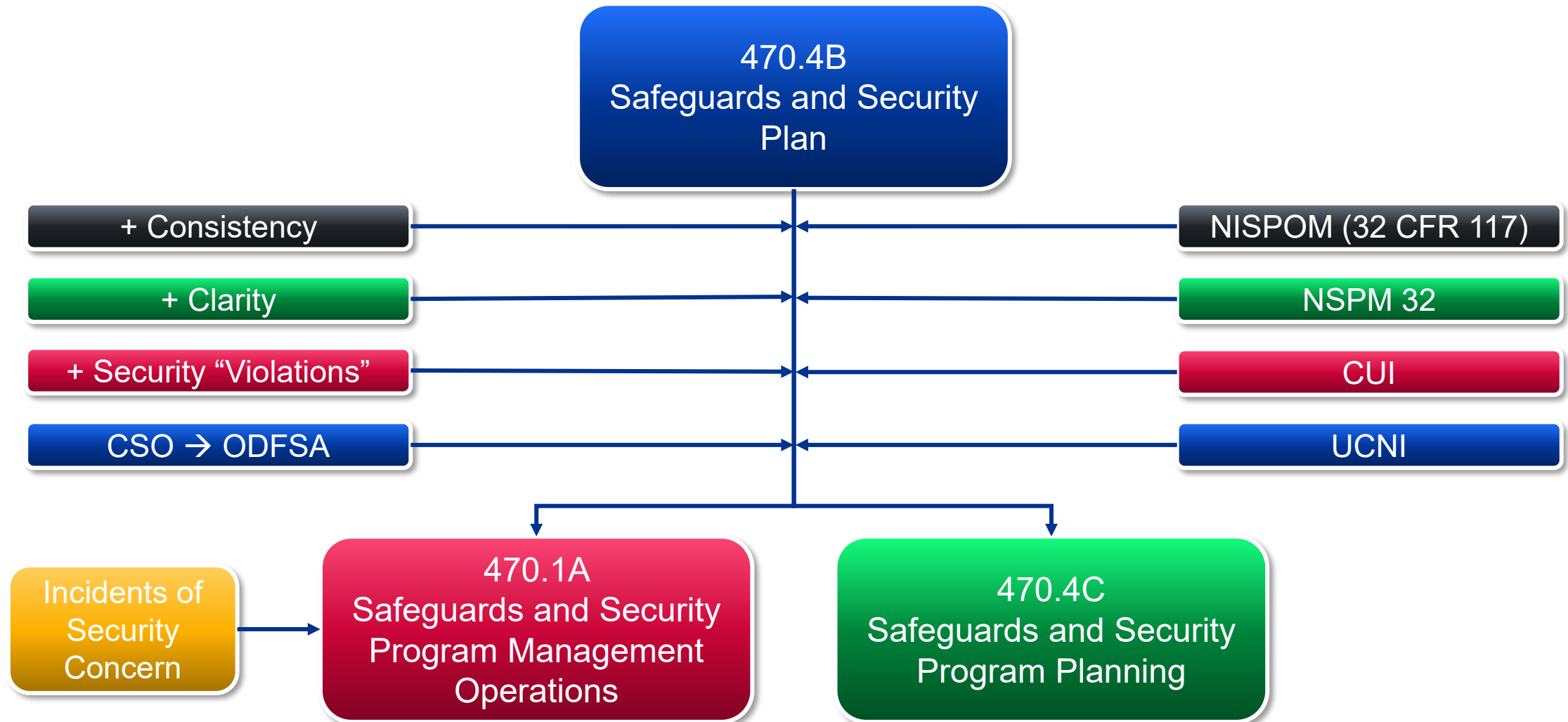
Alan Johnson
IOSC Program Manager, PNNL



PNNL is operated by Battelle for the U.S. Department of Energy



Background



Process (So Far...)

Identify broad group of stakeholders

Solicit “wish list”

Pare wish list down through group consensus and continuous feedback cycle

Pre-RevCom feedback on proposed changes

RevCom comment resolution (and late comment resolution)

Not Included...

All IOSCs in
SSIMS

Unclassified
database for ALL
IOSCs

Cat A Closure
beyond 90 days

Limit IOSCs to
SNM and
classified

Full NSPM-32
reporting burden

Make ALL IOSCs
the same across
Complex (no local
oversight input)

Leave ALL IOSCs
under local
oversight input (no
consistency)

Significant Changes

Lost/stolen badge
≠ IOSC

When IOSCs are
“closed”

5 Calendar Days
→ Business Days

Improved IOSC
Category and
Type definitions

Expanded
baseline list of
reportable events

Improved
definitions for
types of
compromise

Defined
culpability and
intent for
consistent usage

Consolidated
IOSC Program
Plan
requirements

Security
Infractions AND
Violations

Roles for Inquiry
Officials in
training

Eliminate/reduce
redundant
reporting streams
(ORPS, Cyber)

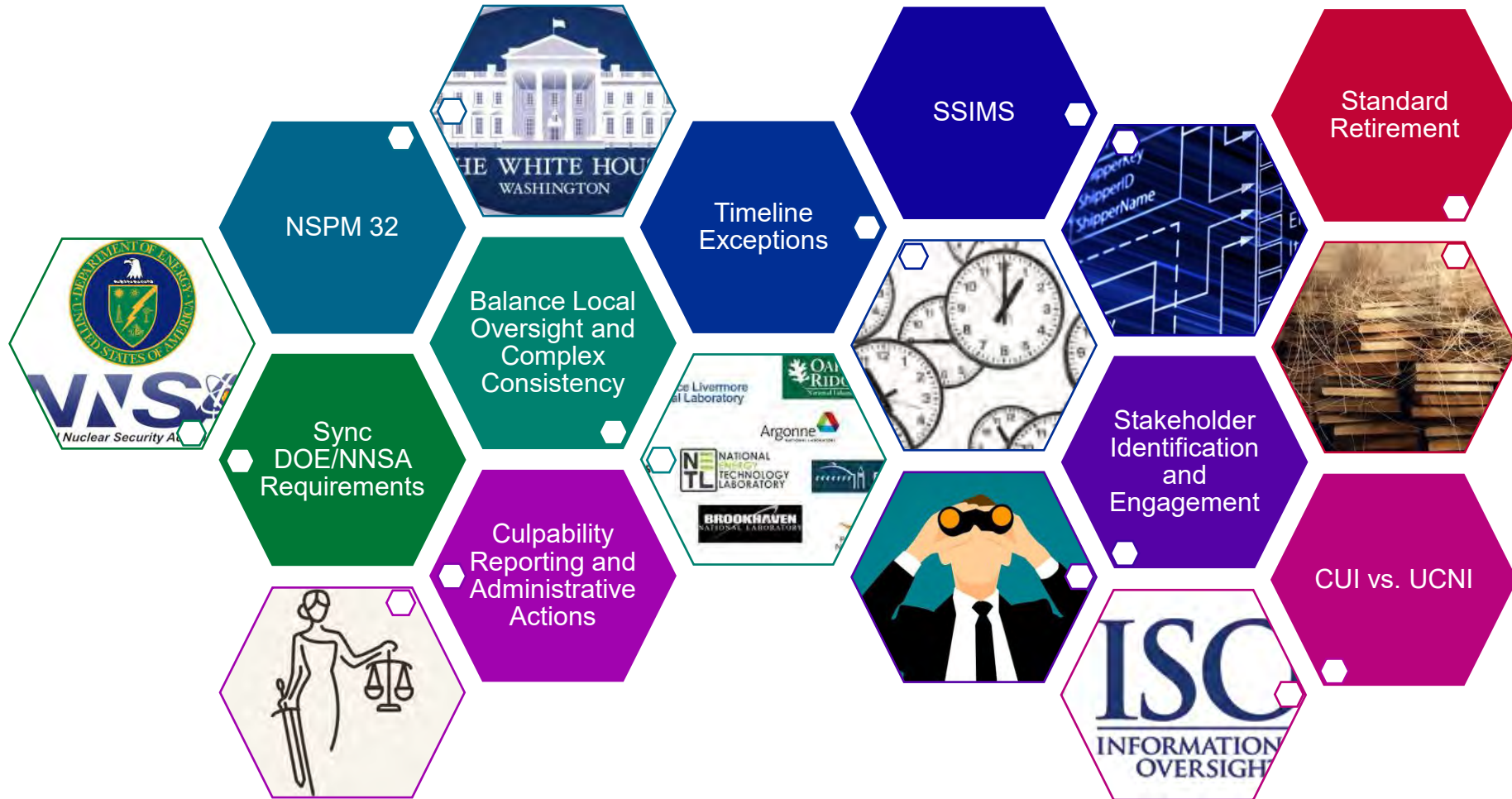
CUI “misuse”

CPSO Reporting
for ALL IOSCs

Special Reporting
Situations

Sanitization →
CIO

Challenges



Snapshot: Cat A vs Cat B

Cat A IOSC

• Those IOSCs which have a significant detrimental impact on DOE or national security, often because of the loss, theft, compromise, or potential compromise of a significant security asset (e.g., classified matter, SNM). As such, they require the notification and involvement of the Officially Designated Federal Security Authority (ODFSA) and Officially Designated Security Authority (ODSA) (where applicable). Category A IOSCs must also be reported and documented in the Safeguards and Security Information Management System (SSIMS). Category A IOSCs also require a higher level of effort and detail (i.e., graded response) to significantly reduce the likelihood of recurrence (e.g., cause analysis, corrective action plan, extent of condition).

Cat B IOSC

• Those IOSCs which have a less significant detrimental impact on DOE or national security. These IOSCs typically do not involve the loss, theft, compromise, or potential compromise of significant security assets, but if uncorrected they reasonably could. Category B IOSCs may involve the loss, theft, compromise, or potential compromise of less significant security assets (e.g., Controlled Unclassified Information [CUI]). Oversight responsibilities for Category B IOSCs remain with the ODFSA; however, Category B IOSCs are managed and resolved by the ODSA (or equivalent ODFSA designee). Category B IOSCs must be reported either in SSIMS or in a local tracking system as specified in the IOSC Program Plan. When reporting a Category B IOSC, the lower significance must be justified (i.e., loss, theft, compromise, or potential compromise did not occur or is remote). In addition, a lower graded response is typically appropriate.

Snapshot: Compromise Types

Compromise

- A final determination that classified information or Unclassified Controlled Nuclear Information (UCNI) is/was disclosed to one or more unauthorized individuals, or the information was outside of appropriate controls and cannot subsequently be placed back under appropriate controls (e.g., published by media, UCNI or classified information was provided to unauthorized individuals). Compromises of classified information are reported as Category A SI IOSCs.

Potential Compromise

- At the conclusion of an inquiry into a suspected compromise, there may be inadequate evidence to determine whether a (actual) compromise occurred, did not occur, or whether the likelihood of compromise is remote. In this case, the inquiry will make the final determination that a potential compromise occurred. Although there is no clear indication or evidence of compromise (e.g., no direct recipient), the circumstances associated with the IOSC indicate that there is an obvious possibility that unauthorized disclosure occurred, and compromise is not remote. The IOSC will be treated as a compromise even though there is no definitive evidence that a compromise occurred. (A final determination that a potential compromise of classified matter occurred must be reported as a Category A IOSC.)

Likelihood of Compromise Is Remote

- An inquiry may determine that the likelihood of compromise is remote. For this (final) determination, although protection and control measures are violated, the circumstances associated with the IOSC indicate that there is a low possibility that information was disclosed to unauthorized personnel. Noncompliances involving classified information where the likelihood of compromised is determined to be remote are typically reported as Category B PI IOSCs. Examples include, but are not limited to:
 - Classified information is left unsecured and unattended for a limited amount of time in an area accessed only by appropriately cleared individuals.
 - Classified information is discovered on an unauthorized government- furnished computer system or network, but metadata confirms it was only accessed by appropriately cleared individuals.
 - Unmarked encrypted classified information is transmitted to only cleared recipients on a government-furnished computer system/network not approved for classified information.

Compromise Did Not Occur

- A final determination that there is no possibility of compromise. Noncompliances involving classified information where compromise did not occur are typically reported as Category B PI IOSCs.

Snapshot: Security Violations vs. Infractions

Security Infraction

- Security infractions are documented and reported to the Cognizant Personnel Security Office (CPSO) using DOE F 5639.3 or equivalent as documented in the IOSC Program Plan. Infractions are both a method for characterizing a noncompliance that did not result in a (security) violation (i.e., loss, theft, compromise or potential compromise did not occur), as well as formal documentation (i.e., an administrative action) issued to a person or persons under the following circumstances:
 - Classified information was mishandled; or
 - UCNI was mishandled; or
 - “Misuse” of CUI-specified.
- Note: the issuance of a security infraction will only be associated with Category B IOSCs, versus security violations which are issued for Category A IOSCs.

Security Violation

- Security violations are documented and reported to the CPSO using DOE F 5639.3 or equivalent as documented in the IOSC Program Plan. Security violations are both a method for characterizing a noncompliance (e.g., a violation of policies or requirements) as well as formal documentation (i.e., an administrative action) issued to a person or persons under the following circumstances:
 - The IOSC resulted in the loss, theft, compromise or potential compromise of classified or UCNI; or
 - The IOSC did not result in the loss, theft, compromise or potential compromise but reasonably could be expected to and is the result of gross negligence or a willful act; or
 - Any knowing, willful, or grossly negligent action to classify or continue the classification of information contrary to federal requirements; or
 - Any knowing, willful, or negligent action to create or continue a special access program contrary to federal requirements; or
 - The IOSC is reported as a Category A SI and one or more responsible persons are identified.

Snapshot: Culpability

Inadvertent

- An action or inaction contrary to requirements or procedures where neither the act (or omission) nor the outcome were deliberate or intended. Generally, the result of temporary (vs. habitual) inattention while the individual is making a good faith effort to follow prescribed procedures as they understand them.

Negligence

- An action, inaction, or omission, contrary to requirements or procedures (i.e., noncompliance) that fails to display a reasonable degree of care and attention under the circumstances. The noncompliance could reasonably be expected to result in the loss or compromise of DOE security assets. The noncompliance may be the result of a knowing circumvention of requirements or procedures, but with a good faith expectation of an overriding positive outcome. If loss or compromise of classified information or UCNI does occur, results in a security violation. If loss or compromise does not occur or if CUI is “misused”, typically results in a security infraction for the responsible individual(s). Note: a noncompliance may be unintentional (the responsible individual did not intend the noncompliant outcome) yet still negligent because the individual did not make a good faith effort to follow prescribed procedures.

Gross Negligence

- An action or inaction contrary to requirements or procedures which demonstrates such inattention and carelessness as to appear reckless or intentional. A reasonable person would recognize that the act (or omission) has a high probability of resulting in the loss or compromise of DOE security assets. For example, a person may circumvent prescribed procedures with full knowledge of the security requirements and associated penalties but does so for personal convenience with little concern for the compromise or potential compromise of the security asset. Gross negligence also includes acts (or omissions) which are not deliberate in nature but reflect a recent or recurring pattern of questionable judgement, irresponsibility, negligence, or carelessness. Results in the issuance of a security violation for the responsible individual(s).

Willful

- A willful noncompliance refers to a determination that an employee deliberately disregarded (i.e., ignored), intentionally violated, or was aware of a violation of, a security requirement and, in addition, the employee either attempted to conceal the violation or made no reasonable attempt to eliminate or abate the conditions that gave rise to the violation. Willful noncompliances must be reported through the SSIMS. Results in the issuance of a security violation for the responsible individual(s).

Snapshot: “Misuse” of CUI

Misuse of CUI occurs when someone uses CUI in a manner not in accordance with the policy contained in DOE O 471.7 (or successor policies), 32 CFR Part 2002, the CUI Registry, agency CUI policy, or the applicable laws, regulations, and government-wide policies that govern the affected information. Misuse includes, but is not limited to:

CUI-Specified information (e.g., UCNI, CUI//SP-NNPI, CUI//SP-EXPT) from a document or matter appropriately marked as CUI-Specified (i.e., an excerpt) is intentionally released to someone who does not have lawful government purpose (LGP) requiring access to the information to perform their duties or other DOE-authorized activities.

Intentionally OR negligently releasing a CUI-Specified-marked document (or matter), in its entirety, to someone who does not have an LGP.

Snapshot: Category A Security Interest IOSCs

Loss, theft, diversion, or unauthorized access to (e.g., compromise of) accountable quantities of Category I or II SNM or other nuclear material controlled and accounted for as SNM ...

Loss, theft, or diversion of accountable quantities of Category III or IV SNM or other nuclear material controlled and accounted for as SNM ...

Loss, theft, compromise, or potential compromise of classified matter;

Unauthorized disclosure of Sigma 14 or 20 Nuclear Weapon Data (NWD) to a Q-cleared person ...

Loss, theft, or unauthorized access to (e.g., compromise of) a quantity of radiological, chemical, and/or biological materials ...

Loss or theft of security key, keycard, or badge (e.g., DOE PIV) which provides unimpeded access to SNM or classified matter ...

Loss, theft, or other inventory shortages of DOE firearms, explosives ...

Loss, theft, compromise, or potential compromise of foreign government material or information ...

Loss, theft, compromise, or potential compromise of other assets determined by the ODFSA and/or ODSA ...

Snapshot: Category B Security Interest IOSCs

Confirmed theft or diversion with malicious intent (e.g., attempted theft) of OANM ...

Unauthorized disclosure of Sigma 15 Nuclear Weapon Data (NWD) to a Q-cleared person which would not be otherwise approved ...

Loss, theft, or compromise of UCNI;

Intentional or negligent "misuse" of CUI-Specified ...

Other assets as determined by the ODFSA and/or ODSA and documented in the IOSC Program Plan

Snapshot: Category A Procedural Interest IOSCs

Any unauthorized discharge of a firearm, pyrotechnic, or explosive ...

Any knowing, willful, or grossly negligent action to classify or continue the classification of information contrary to federal requirements;

Any knowing, willful, or negligent action to create or continue a special access program contrary to federal requirements;

Willful noncompliances (i.e., deliberate violations) with requirements for the protection of classified information (which do not result in loss, compromise, or potential compromise); or

Other events as determined by the ODFSA and/or ODSA and documented in the IOSC Program Plan.

Snapshot: Category B Procedural Interest IOSCs

The improper handling, and/or storage of classified matter.

The improper processing or transmission of classified matter on unauthorized computer systems/networks (e.g., encrypted unmarked classified information transmitted to only cleared personnel on government-furnished equipment, applications, or networks not authorized to process classified).

An unsecured door (or other boundary) for a security area authorized for the storage, access, or processing of classified matter or SNM.

Unauthorized access (e.g., circumvention of access control requirements/controls) into a security area authorized for the storage of classified matter or SNM.

Any negligent action that results in the misclassification of information. (Misclassification that results in compromise will be handled in accordance with applicable SI reporting requirements.)

Intrusion Detection System (IDS) failure without appropriate Protective Force response or implementation of other authorized compensatory measures (where IDS is required).

Diversion of accountable quantities of Cat III or IV SNM or any other circumstance resulting in Cat III or IV SNM ... in an unauthorized (but Federally controlled) location (if there are no indications of malicious intent).

Failure to obtain appropriate approvals for Foreign National access to DOE facilities, information, technologies or equipment (that is not administratively corrected after the fact).

Improper issuance or termination of a DOE security credential (i.e., Personal Identity Verification [PIV] badge).

Any unapproved controlled article which poses a threat to classified matter (e.g., a controlled article in close proximity to classified discussions, matter, or processing) ...

Other events as determined by the ODFSA and/or ODSA and documented in the IOSC Program Plan.



Thank you

Questions/Comments?
Contact IPT IOSC Sub-Working
Group Leads:

Alan.Johnson@pnnl.gov

grselig@sandia.gov

(Greg Seligman)



Phase 1- Performance Monitoring and Noncompliance Sources

Jason Capriotti
Enforcement Officer
Office of Worker Safety and Health Enforcement

Joseph Demers
Enforcement Officer
Office of Nuclear Safety Enforcement

Liv Livingston
Unwin
Office of Security Enforcement

Heath Garrison
Enforcement Coordinator
National Renewable Energy Laboratory

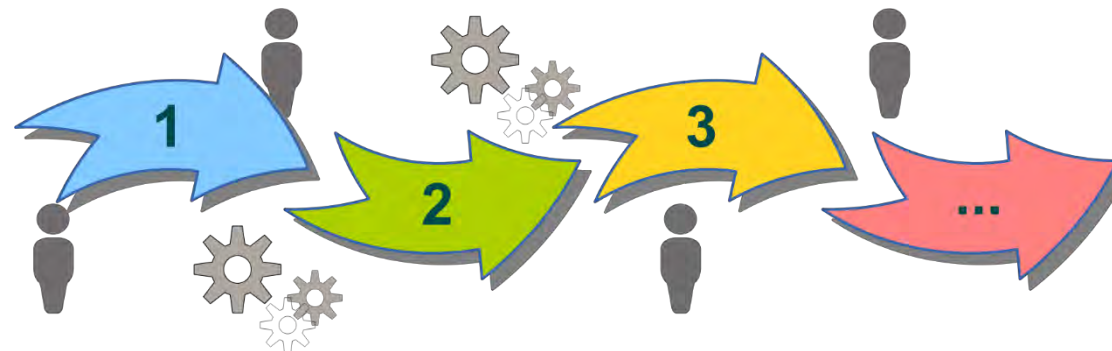
Safety and Security Regulatory Compliance Program Process



Phase 1: PERFORMANCE MONITORING AND NONCOMPLIANCE SOURCES

Phase 2: Noncompliance Screening, Identification, and Tracking Systems

Phase 3: Noncompliance Tracking System and SSIMS Reporting and Closeout



FOR DISCUSSION.....

- Performance Monitoring & Compliance Assurance
- Methods and Approaches to identification
- Evaluating performance data for repetition or programmatic failure





Performance Monitoring & Compliance Assurance Information Sources

- Event reporting
 - Occurrence Reports
 - Incidents of Security Concern
- Assessment Results
 - External Assessments
 - Internal Contractor Assessments
- DNFSB reports
- Site/Field Office reports and meetings
- CAIRS (Injury and Illness Reports)
- Nonconformance Reports
- Performance Metrics
- Equipment Performance Data
- Trend Analysis
- Management Walk Around
- Inspections

IV. Contractor Noncompliance Screening and Reporting Guidance

Noncompliance Screening

Contractors' processes for self-identifying problems may identify issues ranging from serious conditions, with corresponding underlying programmatic problems and noncompliances, to relatively minor issues that may need attention but do not represent noncompliances. To determine which are noncompliances and what reporting is appropriate, contractors need to have effective processes for screening issues.

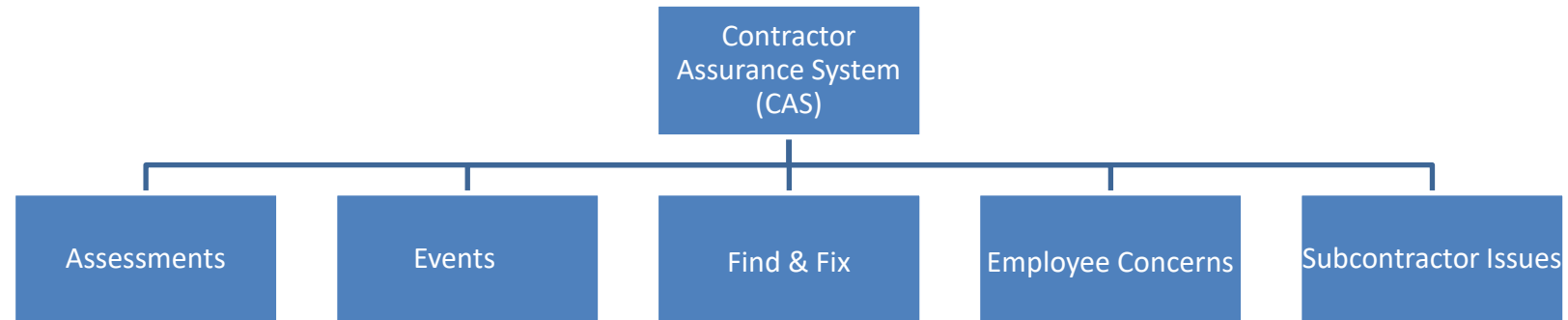
Such screening processes should be under the purview of the contractor's enforcement coordinator, be governed by one or more formal procedures, and receive input from a broad range of noncompliance identification mechanisms. Sources of information to be screened for noncompliances include:

- Internal management and independent assessment findings
- External assessment findings
- Internal issues management or deficiency reporting systems
- Nonconformance reports
- Radiological event or radiological deficiency reports
- Injury reports
- Computerized Accident Incident Reporting System reports
- Occupational Safety and Health Administration 300 logs
- Occurrence Reporting and Processing System (ORPS) reports
- Operating logs (for issues involved in non-ORPS events)
- Protective force daily event logs
- Security incident notification and inquiry reports
- SSIMS reports
- Security inspection, survey, self-assessment, and special reports
- Employee concerns
- Subcontractor deficiency resolution processes analogous to those listed above.

Reporting a Programmatic or Repetitive Noncompliance

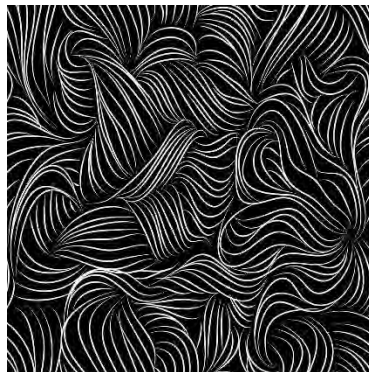
DDE incentivizes the reporting of programmatic and repetitive noncompliances. A programmatic problem is typically discovered through a review of multiple events or conditions with a common cause, but may also be found through causal analysis of a single event. A programmatic problem generally involves some weakness in administrative or management controls, or their implementation, to such a degree that a broader management or process control problem exists. When management determines that a problem or series of events or conditions dictates the need for broad corrective actions to improve management or process controls, this determination indicates that the problem is programmatic. For example, the absence of required worker exposure assessments, or working outside the limits established by radiation work

Methods and Approaches



Data Evaluation & Trend Analysis

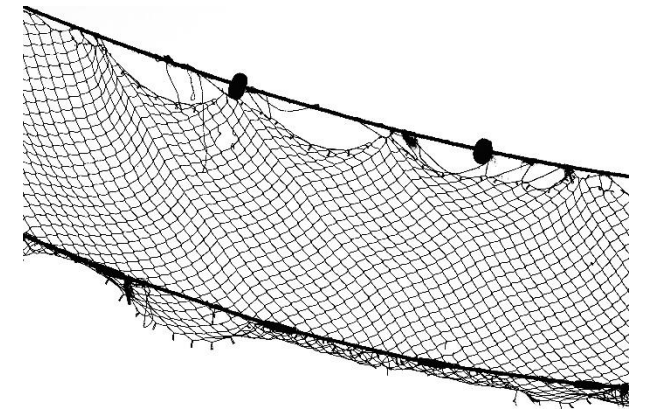
Look for Patterns, Trends, and Low-Level Events that may be a precursor to a high significance consequence.



Do **NOT** limit your sources of information for identifying potential non compliances.

-Cast a wide net!-

The objective of the enforceable rules is prevention, so be proactive not reactive.



PREVENT

A hand holding a blue marker, positioned as if it has just finished writing the word 'PREVENT' on a white surface. The word is written in a bold, blue, sans-serif font and is underlined with a blue line.

Questions?



Thank You for Participating!



U.S. DEPARTMENT OF
ENERGY



2024 DOE Safety and Security Enforcement Workshop

LUNCH

11:45 – 1:15

Phase 2- Noncompliance Screening, Identification, and Tracking Systems

Stanley Dutko
Enforcement Officer
Office of Worker Safety and Health Enforcement

Christian Palay
Enforcement Officer
Office of Nuclear Safety Enforcement

Karen Sims
Enforcement Officer
Office of Security Enforcement

Tracy Chance
Enforcement Coordinator
Oak Ridge National Laboratory

Expectations for Identification of Noncompliances

- Monitor performance and identify events, conditions, and issues that may reveal noncompliances
- Contractor identification is the preferred means as it promotes earlier prevention of problems affecting safety and security
- Reactive detection is also important (e.g., external, self-disclosing events, extent of condition reviews)

Expectations for Screening

- Record, evaluate, and correct all noncompliances
- Engage subject matter experts in identifying appropriate noncompliances
- Determine who performs screening
- Office of Enforcement regulatory program assistance reviews (RPARs) are available upon request

EA-11 Sources of Noncompliance

- **Enforcement Officers review the following Sources of Noncompliances and recommend if enforcement action is warranted for an event or condition:**
 - ORPS, CAIRS & NTS report(s)
 - DOE HQ or field inspections / Surveys or assessment
 - Inspector General report(s) / Defense Nuclear Facilities Safety Board report(s)
 - Information from other agencies such as OSHA
 - Allegations communicated directly to Office of Enforcement
- **Contact EA-12 and EA-13 Enforcement Officer(s) to discuss any regulatory overlap between Worker Safety, Nuclear Safety and Security**

Common Screening Weaknesses

- Not evaluating all sources of potential noncompliances
- Use of overly limiting screening criteria
- Failure to consider all applicable standards
- Justifications for not identifying noncompliances
- Category B information security events vs Category A
- Repetitive event or condition or programmatic issue not identified

EA-12 Sources of Noncompliances

- **Nuclear Safety Enforcement Officers review the following to determine if enforcement action is warranted:**
 - ORPS & NTS reports
 - DOE HQ or Field/Site Office assessment reports
 - Information from other DOE entities such as IG, OHA, EA-30
 - Defense Nuclear Facilities Safety Board correspondence and staff report(s)
 - Requests for Investigation submitted directly to the Office of Enforcement
 - Media reports
- **Nuclear Safety Enforcement Officers coordinate with the other Enforcement Officer(s) to discuss any regulatory overlap between Worker Safety, Nuclear Safety, and Security**

EA-13 Sources of Noncompliances

- **Information Security Enforcement Officers review the following to determine if enforcement action is warranted:**
 - **Security incident reporting per DOE Order 470.4B, Chg. 2:**
 - Inquiry/Investigation conducted discloses violation(s) of classified information security requirements
 - Safeguards and Security Information Management System (SSIMS)
 - **Findings or issues identified during assessments/appraisals:**
 - Security and cyber assessments
 - HQ or local security surveys
 - IG or GAO reports
 - Requests for Investigation

EA-13 Security Significance Screening

Incident Number		Sample SSDW		Local Tracking Number		XXX-YYYY		Categorization		A		IP/SI	
Cognizant Security Office		Program Secretarial Office		Facility Name		Company Name		SSIMS IOSC Status					
XXX		XXX		XXX		XXXXXXXX		<input checked="" type="checkbox"/> Notification		<input checked="" type="checkbox"/> Closed			
Dates				IOSC Description		Brief Description							
Discovery	Notification	Inquiry Report	Closed (SSIMS)										
4/1/2023	4/15/2023	8/28/2023	8/29/2023										
Classification Level	Significance Weight	Category	Significance Weight	Caveat	Significance Weight	Disclosure Determination	Site Sig Wt.	Enf Sig Wt.	Non-Compliance Characterization	Site Sig Wt.	Enf Sig Wt.	Contributing Factors	Significance Weight
TS		RD		SAP		Loss Did Occur			Willful			Management Involvement	
S		FRD		SCI		Loss is Not Remote			Gross Negligence			FN Sensitive Country	
C		NSI		NWD - Sigmas		Loss is Remote			Negligence			FN Non-Sensitive Country	
UCNI		TFNI		All Other NWD		Loss Did Not Occur			Inadvertent			Identified by External Source	
				All Other Caveats								Other Contributing Factors	
				None								None	
Subtotal	0	Subtotal	0	Subtotal	0	Subtotal	0	Subtotal	0	Subtotal	0	Subtotal	0
Incident Notification Significance Value		0		Final Incident Significance Value				*See Significance Keys at the bottom of the Worksheet.*					
Light Grey Shade Area/Fields = Incident Notification Fields; White Area/Fields = Additional Fields Completed After IR Review													
All Other Caveats Description:				CAVEAT									
Incident Notification Significance Determination Key													
≥ 15	High (Red)	Security incident of the highest order that almost always needs closer review upon completion of the inquiry by the responsible facilities inquiry officer. These incident notifications should be flagged for follow-up and discussed with the Director, Office of Security Enforcement.											
11-14	Serious (Yellow)	Closer review on the circumstances and extent of non-compliance should be undertaken upon completion of the inquiry by the responsible facilities inquiry officer.											
7-10	Marginal (Green)	These incidents should be evaluated with contributing factors upon completion of the inquiry by the responsible facilities inquiry officer. In some cases, a closer review may be necessary.											
1-6	Low (White)	These incidents should be evaluated with contributing factors upon completion of the inquiry by the responsible facilities inquiry officer. These may not result in a closer review.											
Final Incident Significance Determination Key													
>28	High (Red)	Enforcement problem of the highest order that almost always needs closer review and/or investigation. These also almost always result in some form of enforcement action to properly respond to the significance of the noncompliance condition.											
21-27	Serious (Yellow)	Closer review or investigation on the circumstances and extent of non-compliance should be undertaken. These can result in an enforcement action.											
13-20	Marginal (Green)	Non-compliance condition that should be evaluated with contributing factors to the extent that information can be obtained from the DOE enforcement Coordinator and/or the Security Director on these factors. In some cases this could result in closer review and investigation, and may result in an enforcement action.											
1-12	Low (White)	Non-compliance condition that should be evaluated with the contributing factors to the extent that information can be obtained from the DOE enforcement Coordinator and/or the Security Director on these factors. These may not result in a closer review or investigation, or subsequent enforcement action.											

EA-13 Security Significance Screening (Cont'd)

Disclosures			
Classification Issues (CI)		Improper/Unauthorized Transmission (IUT)	
<input type="checkbox"/> Failure to Receive Classification Review	<input type="checkbox"/> Guidance Issue (Incomplete, Unclear, Unavailable)	<input type="checkbox"/> Chat App	<input type="checkbox"/> Database/Software System
<input checked="" type="checkbox"/> Information Compilation/Association	<input type="checkbox"/> Misclassification by Authorized Classifier	<input type="checkbox"/> Email	<input type="checkbox"/> Fax
<input type="checkbox"/> Review by Unauth. Classifier (Classifier Didn't Have Proper Authority)		<input type="checkbox"/> Hand Carry	<input type="checkbox"/> Mail/Shipped/Express Delivery
Controlled Articles (CA)		<input checked="" type="checkbox"/> Network Location/Shared Drive	
<input type="checkbox"/> Camera	<input type="checkbox"/> Cell Phone	<input type="checkbox"/> VTC	<input type="checkbox"/> Unsecure Phone/Conf. Call
<input type="checkbox"/> Disc (CD/DVD/Floppy)	<input type="checkbox"/> Fitness Tracker	<input type="checkbox"/> Virtual Meeting Platform (Teams, WebEx, Zoom, etc.)	
<input checked="" type="checkbox"/> Hard Drive/External HD	<input type="checkbox"/> Headphones / Ear Buds	Other	
<input type="checkbox"/> Hearing Aids/Med. Device		<input type="checkbox"/> Classified Hardware (Computer/Hard Drive)	<input checked="" type="checkbox"/> Hard copy
<input type="checkbox"/> Laptop	<input type="checkbox"/> SD Card	<input type="checkbox"/> Improper Access Control	
<input type="checkbox"/> Smart Watch	<input type="checkbox"/> Tablet/iPad	<input type="checkbox"/> Improp. Escort	<input type="checkbox"/> Media Leak
<input type="checkbox"/> Thumb Drive/Iron Key		<input type="checkbox"/> Open Source/Internet	<input type="checkbox"/> Parts / Matter
<input type="checkbox"/> Other CA	[Describe "Other CA" here]	<input type="checkbox"/> Processing (Classified)	<input checked="" type="checkbox"/> Repository (VTR/Safe/etc.)
Cyber (CYB)		<input type="checkbox"/> Other (Describe)	[Describe other disclosure here]
<input checked="" type="checkbox"/> Unauthorized Use of a Classified System	<input type="checkbox"/> Unclassified Computer Used to Process/Store	Improperly Handled, Safeguarded, Secured, and/or Stored (HS)	
<input checked="" type="checkbox"/> Inside the Firewall	<input type="checkbox"/> Outside the Firewall	<input type="checkbox"/> Destruction	<input checked="" type="checkbox"/> In Use
Causes		<input checked="" type="checkbox"/> Storage	<input type="checkbox"/> Reproduction
<input type="checkbox"/> Equipment/Material Problem	<input type="checkbox"/> Management Problem	<input checked="" type="checkbox"/> Unapproved Facility/Location/Area (to Process/Store/Discuss)	<input type="checkbox"/> Verbal/Discussion
<input checked="" type="checkbox"/> Personnel Error	<input type="checkbox"/> Design Problem	<input type="checkbox"/> Inventory of Accountable Matter	<input type="checkbox"/> Visual
<input type="checkbox"/> Procedural Problem	<input checked="" type="checkbox"/> Training Deficiency	Corrective Actions	
<input type="checkbox"/> External Phenomena	<input type="checkbox"/> Other	<input type="checkbox"/> Communication Security System Mod.	<input type="checkbox"/> Cyber Security System Modification
[Enter "other" description/details here]		<input checked="" type="checkbox"/> Training Mod.	<input type="checkbox"/> Disciplinary Action
		<input type="checkbox"/> Physical Security System Modification	
		<input checked="" type="checkbox"/> Policy/Procedural Change	<input checked="" type="checkbox"/> Coaching/Counseling/Lessons Learned/Retrained
		<input type="checkbox"/> Other	[Enter "other" description/details here]
Analyst Name	Date	Analyst Comments	
Enforcement Officer Name	Date	Enforcement Officer Comments	
Director Approval (for High Significance only)	Date	Director Comments	
EA-13 Recommendation:		<input type="checkbox"/> Not 824/1017-Related (Delete)	<input checked="" type="checkbox"/> No Action (Add to SDB/IOSC Wrap-Up)
		<input type="checkbox"/> Enforcement Action (Add to SDB; Copy SSDW to Activity Folder)	

Commonalities of a Good Screening Process

- Enforcement Staff intimately familiar with the regulations
 - Deployed staff may require nuclear safety, and worker safety and health training, and/or information security training
- Screen shortly after receipt to achieve timeliness
- Consistent use of a screening form
- Citations formatted to facilitate binning for trending
- Determine attributes for trending and make sure that the screening form addresses these areas
- Entry of the screen into the site issues management tool
- Easy access to Subject Matter Experts

Issues Not Reported in NTS and SSIMS

- All issues should still be screened and tracked
 - contractor's internal issues management system
- Tracking systems should include key information
- Compliance restored regardless of reportability

Expectations for Tracking

- All noncompliances tracked internally through issues management process
- Trending of noncompliances – may be performed in conjunction with Contractor Assurance Program
- Ensure that tracking systems help identify programmatic and repetitive issues

Trending Issues

EA-13

Total number of incidents

- Handling/Storage
- Cyber
- Classification Issues
- Controlled Articles with a Nexus to Classified

ORNL Sources of Noncompliances

- Occurrence Reporting & Processing System (ORPS)
- Local Issues Management System
 - Assessment & Commitment Tracking System (ACTS)
 - Assessment Results (Internal/External)
 - Training Deficiencies
 - Nonconformance Reports
 - Radiological Event Reports
- Laboratory Shift Superintendent Log
- Employee Concerns
- Enforcement Actions

ORNL - Screening of Potential Noncompliances

- Safety Regulatory Officers (SROs)
 - Approved SAP Role
 - Trained prior to role assignment
 - Deployed Lab-wide (~55)
 - ACTS Issues
 - Non-ACTS Screens

- Safeguards and Security
 - Screening of issues for Classified Information

ORNL - Trending

- ACTS screening results are compiled quarterly
- SROs provide quarterly summary of non-ACTS screens
- Screens are reviewed and compiled into a quarterly report
- Data is trended and reported via Contractor Assurance Processes
 - Monthly Operations Summary
 - Contractor Assurance Trimester Report
- Biannual Meeting
- Enforcement Actions

Questions?

Phase 3- Noncompliance Tracking Systems and SSIMS Reporting Closeout

Robert Smith
Enforcement Officer
Office of Worker Safety and Health Enforcement

Margaret Kotzalas
Enforcement Officer
Office of Nuclear Safety Enforcement

Charles Isreal
Enforcement Officer
Office of Security Enforcement

Tamara Baldwin
Enforcement Coordinator
Savannah River Nuclear Solutions

NTS and SSIMS

Reporting and Closeout Topics

- What does “voluntary” NTS reporting mean? Why report?
- Criteria/process for voluntary reporting of Part 824 noncompliances into SSIMS
- Process for drafting, reviewing, and submitting timely NTS and SSIMS reports
- Common elements and characteristics of a high quality NTS report and SSIMS report

NTS and SSIMS

Reporting and Closeout Topics (cont'd)

- Differences between “causal factors” and “noncompliances”
- How Extent of Condition reviews should be handled for NTS reporting purposes
- General criteria that the Office of Enforcement uses to evaluate Nuclear Safety and Worker Safety and Health NTS reports and SSIMS reports

Questions?

2024 DOE and Contractor Enforcement Coordinator Workshop

2:45 – 3:15

Break

Case Studies | Worker Safety and Health

Room 6510

3:15 – 4:45

Case Studies | Nuclear Safety

Room 6375

Case Studies | Information Security

Auditorium

4:45 – 5:00

Feedback and Closing

Anthony Pierpoint, *Director*
Office of Enforcement



2024 DOE and Contractor Enforcement Coordinator Workshop

Feedback and Closing

Anthony Pierpoint
Director
Office of Enforcement

We Value Your Feedback



Surveys

2024 DOE Safety and Security Enforcement Workshop website
<https://ntc.doe.gov/EnforcementWorkshop>