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**DOE-HDBK-1085-95
August 1995**

DOE HANDBOOK

DOE ENFORCEMENT PROGRAM ROLES AND RESPONSIBILITIES



**U.S. Department of Energy
Washington, D.C. 20585**

AREA SAFT

MASTER

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1.0 INTRODUCTION/BACKGROUND

The Price-Anderson Act provides indemnification to DOE contractors who manage and conduct nuclear activities in the DOE complex. In a general sense, the government acts as an insurer for these contractors against any findings of liability arising from the nuclear activities of the contractor within the scope of its contract.

In 1988, the Price-Anderson Amendments Act (PAAA) was signed into law to extend the government insurance program which was about to expire. It differed from the original act in two principal ways. First, it made Price-Anderson coverage mandatory for all management and operating (M&O) contractors, subcontractors and suppliers conducting nuclear activities for DOE. (For the purposes of the statute, "nuclear" includes "radiological.") Second, Congress mandated that DOE change its methods of managing nuclear activities at those sites by requiring DOE to undertake enforcement actions against indemnified contractors for violations of nuclear safety requirements. Thus, indemnification risks would be minimized by minimizing the risk to workers and the public. The benefit of indemnification is accompanied by the availability of sanctions to assure compliance with nuclear safety rules.

For all M&O contractors, subcontractors and suppliers thereto, DOE has the authority to issue Notices of Violation when noncompliances with nuclear safety requirements are identified. In addition, for cases involving for-profit contractors, DOE has the authority to issue fines for violations of nuclear safety rules up to \$100,000 per day per occurrence. Civil penalties are not applicable to individual employees or to contractors specifically exempted by Section 234A(d) of the Atomic Energy Act of 1954 (as amended).

10 CFR Part 820 (Procedural Rules for DOE Nuclear Activities) establishes the legal framework for implementing DOE's Nuclear Safety Enforcement Program. The responsibility for program development and implementation has been assigned to the Enforcement and Investigation Staff in the Office of Environment, Safety and Health. It was recognized early in the process of developing the Enforcement Program, that significant integration with other DOE organizations and programs would be necessary and appropriate. This integration or matrix approach would best use the existing DOE programs and technical resources to assure that the enforcement process properly considers the actual or potential safety significance of a violation when determining an appropriate enforcement sanction.

The achievement of an effective enforcement function that places a priority on proactive contractor compliance assurance programs rather than a heavy enforcement hand, will require a foundation of cooperation and teamwork across DOE organizations.

This Handbook identifies the areas of interface for the DOE Enforcement Program and provides guidance on the roles and responsibilities for these key DOE organizational areas. It is considered a companion to DOE-HDBK-1087-95, "Enforcement Handbook", and DOE-HDBK-1089-95, "Guidance for Identifying, Reporting and Tracking Nuclear Safety Noncompliances." The definitions of key terms used in this handbook are included in Appendix A.

2.0 THE DOE ENFORCEMENT PROGRAM

Purpose of the DOE Enforcement Program

Appendix A to 10 CFR Part 820 (Enforcement Policy) provides the general framework for DOE's enforcement philosophy. The purpose of the DOE Enforcement Program is to promote and protect the health and safety of the public and workers by doing the following:

- a. Ensuring compliance by DOE indemnified contractors with applicable DOE nuclear safety requirements, and
- b. Providing positive incentives for indemnified contractors to implement effective compliance assurance programs.

The cornerstone of DOE's enforcement philosophy is to encourage DOE contractors to develop and maintain aggressive compliance assurance programs that effectively self assess activities, and promptly identify, report, and correct noncompliances with DOE's nuclear safety requirements. The Enforcement Policy recognizes the benefits of contractor compliance assurance programs that self identify noncompliances, promptly report them to DOE, and implement complete corrective actions. Positive incentives for the contractor, established within the Enforcement Policy, include the enforcement discretion to mitigate and/or waive enforcement penalties and, under certain circumstances, to refrain from issuing a Notice of Violation.

Enforcement Program Integration with other DOE Program Activities

The major elements of the DOE Enforcement Program are described below. Each of these elements necessitates the cooperation of DOE program, field and enforcement organizations. The roles and responsibilities are discussed in more detail in later sections.

- Approve contractor rule implementation plans.
- Identify potential noncompliances with nuclear safety requirements.
- Evaluate potential noncompliances with nuclear safety requirements for actual or potential safety significance. Forward DOE identified noncompliances to contractors for appropriate reporting.
- Investigate potential violations to determine if facts warrant consideration of enforcement actions.
- Conduct Informal (predecisional) Enforcement Conferences and issue enforcement actions if it is concluded that a violation having the requisite level of safety significance has taken place.
- Monitor implementation/closure of corrective actions.

- Communicate and clarify the DOE enforcement policy within DOE and to DOE contractors.
- Refine implementation plans to reflect changes in real world priorities.

The basis of the Price-Anderson nuclear safety program is the DOE nuclear safety rules. These rules require M&O contractors to structure implementation plans that (1) identify the scope of activities that need to be accomplished in order to achieve the appropriate threshold of nuclear safety in the DOE complex, (2) prioritize such activities, and (3) fund such activities so they will be implemented in the field. Approval of the implementation plans by DOE Program and Operations Offices constitutes a DOE commitment to fund the activities contained in them on the schedules provided. The rules and the implementation plans are enforceable under the terms set forth in the 10 CFR Part 820, and every DOE Program, Operations and Area Office has a responsibility to assure compliance with them. Additionally, it is the responsibility of the funding offices and the contractors to agree to schedule adjustments with compensatory actions or obtain an exemption if anticipated funding is not received.

The DOE Enforcement Program will rely on the information, knowledge, and resources that exist in other DOE programs to accomplish key compliance activities. This integrated approach is necessary to establish an efficient process and to utilize the best qualified and technically knowledgeable personnel. The primary areas of process integration are as follows: (1) identification of potential noncompliances with nuclear safety requirements; (2) technical and facility knowledge to evaluate the actual or potential safety significance of potential violations; (3) technical support during the investigation process; (4) evaluation of the contractor's corrective actions; (5) and advice to the Enforcement and Investigation Staff throughout the process, including the Informal Enforcement Conference with the contractor, and enforcement actions such as Preliminary Notices of Violation (PNOV's), Notices of Violation (NOV's), and consideration of civil penalties.

While the primary responsibility for identifying and correcting noncompliances with nuclear safety requirements rests with DOE's contractors, an important and necessary component of DOE's implementation of this program is the periodic verification of contractor adherence to established requirements through the DOE assessment of facility activities. DOE has already established such programs to evaluate contractor performance to established regulatory and environmental requirements. These assessments are conducted by DOE Operations Offices, Program Offices, and EH Oversight. The periodic compliance verification of DOE nuclear safety requirements can be integrated into these existing DOE assessment programs. The Enforcement and Investigation Staff, in collaboration with the responsible Field Elements, will evaluate potential noncompliances identified in these assessments in accordance with the criteria set forth in the DOE Enforcement Policy and associated guidance. Noncompliances identified in these assessments will be forwarded to contractors for appropriate evaluation, reporting and development of corrective actions. Additionally, the results of contractor self assessments and external assessments will provide input to the enforcement process.

Under 10 CFR Part 820, the Enforcement and Investigation Staff is responsible for the conduct of evaluations and investigations of potential noncompliances with nuclear safety requirements. The guidance for performing such evaluations and investigations is described in the

"Enforcement Handbook" (DOE-HDBK-1087-95). In the event that the safety significance of a noncompliance warrants an

enforcement action (i.e., a PNOV, NOV and, if necessary, civil penalties), the Enforcement and Investigation Staff has lead responsibility for developing and documenting the evidentiary basis for a recommended enforcement action. The Enforcement and Investigation Staff is also responsible for referring any potential criminal violations to the Department of Justice.

The Enforcement and Investigation Staff, in collaboration with the appropriate DOE Program and Operations Offices will determine when the safety significance of a potential noncompliance warrants an investigation. The Enforcement and Investigation Staff will draw upon matrix support from those organizations within DOE having the necessary specific facility/activity knowledge or the subject matter expertise to provide input to the investigation and evaluation process and to support predecisional Informal Enforcement Conferences. Input to Enforcement and Investigation Staff deliberations on Severity Level, enforcement action documentation (PNOV, NOV), and civil penalties will be obtained as appropriate from Operations and Program Office management.

This approach recognizes that the enforcement evaluation process will require specific and different expertise for each enforcement review, which in the aggregate is not anticipated to be a full time commitment for any one area of expertise. Using existing qualified personnel within other DOE organizations is the most practical way to meet this need, and it emphasizes the role of Price-Anderson enforcement as a vehicle to assuring that management nuclear safety goals will be met. Figure 1.0 illustrates the organization concept.

Roles of the DOE Enforcement and Investigation Staff

The Enforcement and Investigation Staff, as the principal PAAA enforcement arm of DOE under 10 CFR Part 820, is responsible for the conduct of enforcement investigations, technical evaluations, and conferences; and for recommending issuance of PNOV's, NOV's and civil penalties. This includes responsibility for coordination of PAAA related enforcement activities within DOE and the conduct of technical evaluations and investigations and preparation of the necessary reports to determine whether enforcement sanctions should be considered.

The Enforcement and Investigation Staff, in collaboration with the appropriate Operations and Program Offices, will determine the need for, as well as the level and type of support required to conduct an inquiry as part of the evaluation process, or an investigation. The Enforcement and Investigation Staff will coordinate with the appropriate DOE organizations to support these efforts.

Factors to be considered in concluding what level of activity is needed include the following:

- Whether the facts of an issue are fully known and not in dispute;
- What, if any, additional technical evaluation is necessary to assess the safety significance of a noncompliance;
- What degree of additional documentation beyond that prepared by the contractor is necessary to support a possible enforcement action.

More specific guidance for the conduct of evaluations and investigations is contained in the "Enforcement Handbook," DOE-HDBK-1087-95.

3.0 ROLES AND RESPONSIBILITIES FOR NONCOMPLIANCE IDENTIFICATION

The DOE Enforcement Policy sets forth DOE's strong commitment to positively support contractor efforts to establish effective compliance assurance programs. DOE may substantially mitigate or refrain from issuing a civil penalty or a Notice of Violation if the contractor demonstrates an effective process of self identification, prompt reporting to DOE, and correction of noncompliances with nuclear safety requirements.

DOE has established a Noncompliance Tracking System (NTS) which will be typically used as the source of information for identification of the most safety significant potential violations with nuclear safety requirements. DOE contractors can report, into the NTS, noncompliances that meet the thresholds described in the "Guidance for Identifying, Reporting and Tracking Nuclear Safety Noncompliances" (DOE-HDBK-1089-95). Noncompliances below the threshold should be reported and tracked in the contractor's self-tracking process, consistent with the guidance in DOE-HDBK-1089-95. Noncompliances should be reported into the appropriate reporting system in order to obtain consideration for mitigation of enforcement sanctions in accordance with the DOE Enforcement Policy criteria. The thresholds are based on a determination of the actual or potential safety significance associated with the noncompliance. The NTS is accessible to all DOE personnel who are registered users, and DOE Program and Operations Offices are encouraged to monitor contractor reports on the system. The NTS reporting process can use selected information reported in Occurrence Reporting and Processing System (ORPS) with some additional information required to be input directly into the NTS. Specific detailed information on reporting the noncompliance, using the NTS computer software, and attributes of the contractor's self-tracking process is contained in the DOE handbook, DOE-HDBK-1089-95.

Potential noncompliances identified by DOE personnel should be communicated to the contractor for appropriate reporting, either into the NTS (if the noncompliance meets the threshold for NTS reporting, or in the contractor's self-tracking process if below the NTS threshold). If the contractor declines to report a potential noncompliance that meets the threshold for reporting into NTS and DOE believes further review is necessary to resolve the issue, the DOE PAAA Coordinator (described in Section 4) should communicate the issue directly to the Enforcement and Investigation Staff for entry into the NTS and subsequent evaluation as described in this document.

DOE Field and Operations Office personnel are routinely involved with the contractor operations on a day-to-day basis. Part of their responsibilities may include mentoring the contractor and as such they may feel a conflict in the support of enforcement activities. However, their roles should not be viewed as being in conflict with the enforcement activities. All DOE personnel have always had an obligation to identify significant noncompliances with regulatory requirements (including nuclear safety requirements) to the contractor and the Operations Office and to ensure that appropriate corrective actions are taken. To the extent that such matters involve Price-Anderson enforcement issues, the contractor would then be responsible to formally report the noncompliances to DOE through NTS for evaluation.

Once a noncompliance is reported, the Field or Operations Office will periodically need to provide technical information concerning the facts of the noncompliance to the DOE Field Office PAAA Coordinator and/or the Enforcement and Investigation Staff. If an investigation is needed and technical support from the Field or Operations Office is necessary to assure accurate evaluation of safety significance associated with the issue, the Operations and Program Offices will determine what personnel are appropriate to support this effort.

The assessment process by DOE Operations and Program Offices is an integral part of the overall approach to an effective and credible enforcement program. Therefore, it is essential that the DOE personnel performing assessments have adequate knowledge of the nuclear safety requirements and include the assessment of compliance with rule and rule implementation program and plan requirements in their programs. The Enforcement and Investigation Staff will assist all DOE and contractor personnel in this effort. It is recognized that the free flow of communication between the Enforcement and Investigation Staff, other DOE offices and contractors is essential if this program is to succeed.

4.0 ROLES AND RESPONSIBILITIES FOR EVALUATIONS AND INVESTIGATIONS OF POTENTIAL RULE VIOLATIONS

Noncompliance Review and Evaluation

When a potential noncompliance is reported through NTS to DOE, a member of the Enforcement and Investigation Staff will be assigned to the issue. This individual will be responsible for coordinating the necessary actions with the Field and/or Program PAAA Coordinators and other appropriate technical staff to evaluate the potential noncompliance. The initial actions will include collaboration with the Field and Program PAAA Coordinators to evaluate the initial facts and circumstances surrounding the issue, its actual or potential safety significance; and development of a consensus as to what action, if any, is required to bring the matter to closure. In most cases, sufficient information will be known at this early stage to either convene an informal enforcement or bring the issue to early closure with no action. Guidance on the performance of the noncompliance evaluation, and documentation of the evaluation, is contained in the DOE-HDBK-1087-95.

This evaluation and investigation process, depending on the facts, could be as limited as a phone call (inquiry) to knowledgeable DOE and/or contractor personnel at the applicable Operations or Area Office. Alternatively, it could entail a formal investigation including the assembly of subject matter experts and process/activity experts from the Enforcement and Investigation Staff, Operations or Program Office, or other entity such as the EH oversight staff. These experts will be responsible for developing the factual basis for the conclusion that a violation has occurred. This latter alternative is expected to be necessary in a significantly smaller number of cases. An example of an enforcement information checklist is provided in Appendix B.

Investigation

If the inquiry determines that a formal investigation is required, the Enforcement and Investigation Staff will take responsibility for establishing a plan for the investigation. The plan

will establish the scope of the investigation and if necessary, will identify additional resources by qualification, level of independence, and objectivity required to conduct the investigation. In certain cases, the Field Office will have the best technical knowledge available to assure that the safety significance, unique facility and operating conditions are properly known and understood. In other cases, specialized subject matter experts may be required. Once identified, the investigation team, led by a member of the Enforcement and Investigation Staff, will conduct the investigation

and draft a report detailing their findings. The team leader will be responsible for coordinating the development and issuance of the investigation report. In any case involving potential willful violations that could result in a referral to the Department of Justice, the Enforcement and Investigation Staff will not request participatory technical support from the involved Field Office. Guidance on the conduct and documentation of the investigation process is contained in the "Enforcement Handbook," DOE-HDBK-1087-95.

PAAA Coordinator

A key to completing this process is to have a formally designated point of contact from each DOE organization. It is desirable that each DOE organization identify a DOE PAAA Coordinator who will be the primary person responsible for interaction with the Enforcement and Investigation Staff and contractor personnel on Price-Anderson matters. Examples of activities performed by this individual would likely include the following:

- Key person to collect information or coordinate with appropriate personnel to provide information and collaborate with the Enforcement and Investigation Staff in evaluating the facts of potential noncompliances reported into the NTS.
- Key person to coordinate the identification of personnel for technical support when necessary to bring an issue to closure.
- Key person to provide status of closure and confirmation of the verification process for closure of safety significant noncompliances.
- Key person to coordinate the periodic evaluation of potential noncompliances of less safety significance tracked locally by the contractor.
- Key person to assure the flow of relevant information between the DOE Field Organization and the Enforcement and Investigation Staff.

5.0 ROLES AND RESPONSIBILITIES FOR ENFORCEMENT ACTIONS

An informal enforcement conference will be held with the contractor if the investigation or technical evaluation determines that a violation likely occurred, having the requisite safety significance to warrant possible enforcement action. A member of the Enforcement and Investigation Staff will chair the conference, in accordance with 10 CFR Part 820, and ultimately has the statutory responsibility to recommend enforcement sanctions.

During this conference the facts and circumstances surrounding the violation will be discussed, including the actual or potential safety significance of the violation, comprehensiveness of corrective action, and other issues relevant to making a reasonable determination whether an enforcement sanction should be proposed. DOE Field, Program Office management and appropriate technical staff should actively participate in the ensuing dialogue with the contractor to ensure the facts and technical issues surrounding the violation, as well as the corrective actions proposed to rectify the violation are understood and properly considered. It is particularly important that the appropriate representative of the DOE management team from the cognizant Operations Office attend the conference to advise the Enforcement and Investigation Staff during post conference deliberations by DOE, regarding any proposed enforcement sanction. Guidance on the notification, conduct and documentation of these informal enforcement conferences is contained in the "Enforcement Handbook," DOE-HDBK-1087-95.

The Enforcement and Investigation Staff will also solicit input from the Operations and Program Office personnel in deliberating appropriate Severity Level, enforcement action documentation and possible civil penalty. Information in these areas will also be communicated through the DOE PAAA coordinator to appropriate Operations and Program Office management for information prior to formal issuance. In accordance with 10 CFR Part 820, the Director, Enforcement and Investigation Staff, is responsible for preparation and issuance of proposed enforcement actions. Guidance on the process, methods and format for such enforcement actions is also contained in the "Enforcement Handbook," DOE-HDBK-1087-95.

6.0 ROLES AND RESPONSIBILITIES FOR ENFORCEMENT ACTION IMPLEMENTATION MONITORING/CLOSURE

The Enforcement and Investigation Staff will work closely with the involved DOE Operations and Area Offices to monitor and evaluate the closure of selected violations including the implementation of corrective actions. Contractors will be requested to identify the completion of corrective actions and to report that information in the NTS. If satisfactory progress is not made in the closure of violations within the time frames committed by the contractor and agreed to by DOE, the Enforcement and Investigation Staff may request input from the applicable Operations Office to determine if the appropriate progress to resolve the violation is taking place.

Consistent with existing practices, once a violation is reported closed by the contractor, the DOE Field Office should periodically validate that the corrective action has been implemented and is adequate to prevent recurrence. The contractor is responsible for closing the noncompliances in NTS. Commitment to perform a corrective action in the future is not sufficient basis to close a noncompliance. In addition, for certain violations, the Enforcement and Investigation Staff may request that the Operations Office continue to monitor the effectiveness of the corrective actions through their routine assessment program.

APPENDIX A

DEFINITION OF TERMS

Enforcement Policy - The enforcement policy is provided in 10 CFR Part 820, Appendix A.

Inquiry - Informal fact gathering part of the evaluation process, conducted by the Enforcement and Investigation Staff to assist in the determination whether an investigation is necessary.

Investigation - A formal gathering and review of the facts associated with a noncompliance to determine if an enforcement action is warranted.

Noncompliance - A noncompliance with a nuclear safety requirement or a commitment in an approved Rule implementation plan. The terms noncompliance and violation are essentially interchangeable in that both terms connote a failure to comply with an applicable nuclear safety requirement.

Reportable Noncompliance - A noncompliance with a nuclear safety requirement. An NTS reportable noncompliance is one which meets or exceeds the threshold values established by the Office of Enforcement and Investigation in DOE-HDBK-1089-95.

Violation - See Noncompliance Definition.

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APPENDIX B

PRICE-ANDERSON INFORMATION CHECKLIST

Note: This checklist is presented as a guideline for gathering and arranging enforcement-related information. However, it should not be considered prescriptive, nor in all cases will it be all-encompassing.

REQUIREMENT

What requirement or commitment was violated? What specific subsection of a rule or what portion of a rule implementation plan was not met?

STATEMENT OF VIOLATION

1. How was the requirement or commitment violated?
2. By whom (individual's title) was the requirement or commitment violated?
3. When was the requirement or commitment violated and what was the duration of the violation?

CONTEXT

1. What were the circumstances surrounding the violation (such as system configuration and operational conditions for operating facilities)?
2. How, when, and by whom (contractor, DOE, or other) was the violation discovered?
3. Was the violation the result of a self-disclosing event?

ROOT CAUSE/CORRECTIVE ACTION

1. What was the apparent root cause (and contributing causal factors) for the violation?
2. What short-term corrective and remedial action was taken and when was it taken?
3. Did DOE have to intervene to accomplish satisfactory short-term corrective and remedial action and, if so, to what degree?
4. Were the contractor's corrective actions comprehensive or narrowly focused?

ENFORCEMENT SIGNIFICANCE

1. What was the actual safety consequence of the violation (e.g., overexposure, release of radiation, inoperable safety system, degraded system, programmatic breakdown, etc.)?
2. What was the potential safety consequence of the violation?
3. Are there other circumstances surrounding the violation which increase or decrease its significance (e.g., appearance of willfulness, careless disregard, or immediate identification through programs already in place and comprehensive corrective actions)?
4. Was management aware or should it have been aware of the violation?

5. Is there evidence that management was involved directly or indirectly in the violation and to what extent?
6. Is the violation a repetitive violation or similar to past violations? If so, should the previous corrective actions have been adequate to prevent recurrence?
7. Is the identified violation and supporting findings indicative of programmatic problems?

ADDITIONAL FACTORS

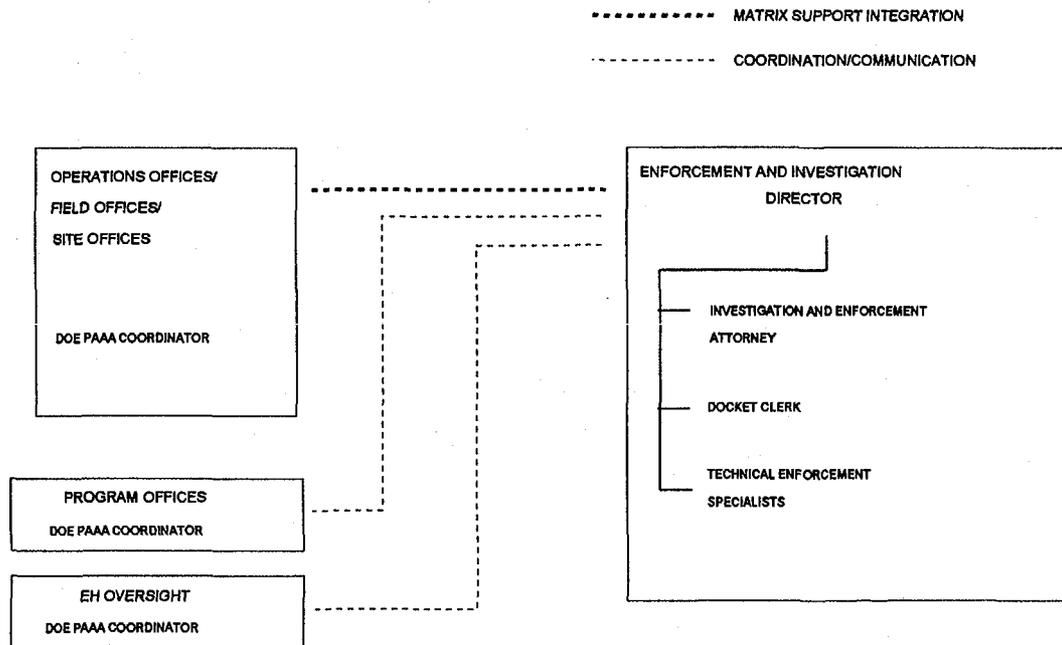
1. If the violation was a result of a self-disclosing event, did the contractor demonstrate initiative in identifying the root cause?
2. Did the violation occur as the result of written direction from DOE?
3. Were there prior opportunities for the contractor to identify the violation, such as through self audits?
4. Does the violation represent another example of poor performance or does it represent an isolated occurrence?
5. Were there multiple examples of a particular violation?
6. Did the duration of the violation add particular significance to the issue?

REPORTABILITY

1. Were the conditions leading to the violation required to be recorded and, if so, what was the applicable recording requirement?
2. Was the event that resulted in the violation required to be reported and, if so, what was the applicable reporting requirement?
3. Was the violation reported and, if so, when and by whom was it reported?
4. If the violation was reported, but the report was late, why was the report late?
5. Was the report complete and accurate?

FIGURE 1.0

ENFORCEMENT AND INVESTIGATION ORGANIZATION
AREAS OF INTEGRATION AND COORDINATION



DOE ENFORCEMENT PROGRAM

FUNCTIONAL ROLES AND RESPONSIBILITIES

FUNCTIONAL AREAS	EH STANDARDS ORGANIZATION	DOE PROGRAM OFFICES	DOE OPERATIONS/FIELD OFFICES	ENFORCEMENT & INVESTIGATION STAFF
REGULATORY POLICY AND PROGRAMS	Develops nuclear safety rules, standards, and policy.	Provides program direction, policy guidance, and funding.	Develops organizational infrastructure to support implementation of PAAA regulatory policy and program requirements.	Develops and maintains DOE Enforcement Policy and coordinates with DOE field and Program elements to ensure consistent application of PAAA regulatory mechanisms and Enforcement Policy across the complex.
IMPLEMENTATION OF REGULATORY REQUIREMENTS	Develops guidance documents and issues technical standards on acceptable ways to implement rule requirements. Approves requests for exemptions for 10 CFR 834 & 835 rules.	Approves implementation plans and schedules including funding commitments. Approves/disapproves requests for exemptions for 10 CFR 830 rules	Reviews and makes recommendations to Program Office regarding approval of PAAA implementation plans to meet requirements or approves plans as delegated by Program Offices. Reviews and makes recommendations for approval of modifications to implementation plans. Approval authority may be delegated to Ops Office.	Coordinates with DOE Field and Program elements to facilitate development, review and approval of implementation plans by DOE line management and the contractors.
COMPLIANCE VERIFICATION AND REPORTING	Assists DOE Ops/Field Offices as requested to resolve programmatic problems or to evaluate and correct downward performance trends.	Assists Ops/Field Offices in periodic assessments of contractor compliance with applicable regulatory requirements. Provides guidance on compliance assurance programs.	Routinely assesses contractor compliance with applicable nuclear safety requirements and identifies to contractor potential violations for reporting and corrective action. Reviews contractor identified violation, and when appropriate, recommends review of certain cases to Enforcement Staff for enforcement considerations.	Reviews and tracks identified noncompliance and determines need to initiate enforcement investigation process based on safety significance & other considerations set forth in 10 CFR 820. Identifies generic problems and downward performance trends.

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FUNCTIONAL AREAS	EH STANDARDS ORGANIZATION	DOE PROGRAM OFFICES	DOE OPERATIONS/FIELD OFFICES	ENFORCEMENT & INVESTIGATION STAFF
ENFORCEMENT INVESTIGATIONS/REVIEW	Provides technical interpretations on standards to support investigations and evaluation process.	Provides technical assistance as necessary to support conduct of enforcement investigation/review.	Assists Enforcement Staff in investigation of potential violation to determine appropriate course of action based on safety significance of violation and PAAA Enforcement Policy criteria.	Conducts follow-up investigations of potential violations as necessary to develop sufficient evidence from which to make enforcement decisions.
ENFORCEMENT ACTIONS	Provides technical guidance to all organizations on requirements.	Participates in enforcement conferences to evaluate contractor responses/corrective actions and advises Enforcement Staff as to appropriate enforcement actions.	Participates in enforcement conferences to evaluate contractor responses/corrective actions and advises Enforcement Staff as to appropriate enforcement sanctions.	Presides over enforcement conferences and issues Notices of Violation with or without civil penalties. Processes contested cases and develops evidentiary support to sustain proposed enforcement sanctions.
REVIEW AND EVALUATION OF CORRECTIVE ACTIONS	As requested, assists DOE Ops/Field elements in development of corrective actions.	Facilitates, reviews, and approves funding as necessary for required corrective actions.	Evaluates corrective actions and advises Enforcement Staff on acceptability and comprehensiveness of proposed or completed actions.	Considers comprehensiveness and promptness of corrective actions as part of civil penalty mitigation process.

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CONCLUDING MATERIAL

Review Activity:

Preparing Activity:

DOE

Field Offices

DOE-EH-3

DP

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EH

CH

Project Number:

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MISC-0027

NE

NV

NS

OR

RW

RL

ER

SF

AD

SR

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