



PRICE-ANDERSON AMENDMENTS ACTS WORKING GROUP 2006 ANNUAL REPORT TO THE DIRECTORS

Introduction

The primary focus of the EFCOG Price-Anderson Amendments Act Working Group (PAAWG) is on nuclear/radiological safety in the context of PAAA enforceable regulations throughout the entire life cycles of facilities and activities. Price-Anderson relationships to other laws and regulations (e.g., DOT 49 CFR provisions) are included in the scope of the Working Group to the extent necessary to assist in the understanding of the relationships and interfaces. Coordination with other EFCOG Working Groups is appropriate and encouraged, especially where the technical aspects of the other Working Groups relate to PAAA enforceable regulations.

The purpose of the working group is to enhance communications and cooperation with the DOE Office of Price-Anderson Enforcement (recently changed to the DOE Office of Enforcement) and to promote excellence at DOE facilities through the implementation of PAAA nuclear safety laws and regulations, information sharing, and application of lessons learned.

The objectives of the PAAAWG are to:

- Provide planning and actions necessary to achieve the overall objectives of the EFCOG in the area of nuclear/radiological safety regulatory activities.
- Promote, coordinate, and facilitate the active exchange of programs, practices, procedures, lessons learned, and other pertinent information on nuclear/radiological safety regulatory activities.
- Provide an avenue for communications to and from the DOE Office of Enforcement on matters of enforcement programs, expectations, clarifications, complex-wide issues, and guidance.
- Promote training and learning on nuclear/radiological safety regulatory activities by sharing of management and technical information among DOE contractors through mechanisms such as workshops, task teams, and conferences.

The PAAWG operates within the scope of EFCOG. Areas that can benefit from focused and coordinated contractor attention are as follows:

- PAAA compliance assurance, including noncompliance reporting.
- Conduct of Enforcement Investigations, Conferences, and Program Reviews.
- Graded or tailored approaches to PAAA regulation implementation, including appropriate benchmarking activities.
- Working relationships with regulatory counterparts (e.g., DOE PAAA Coordinators and DOE-HQ Office of Enforcement personnel).
- Addressing other issues as identified by the DOE Office of Enforcement, EFCOG Executive Directors, EFCOG Sponsoring Director, and/or the Working Group Strategic Planning Committee.

DOE issued regulations for Worker Safety and Health Programs (10 CFR 851) on February 6, 2006. This caused a natural expansion of PAAAWG activities into that area



from an enforcement perspective, because the DOE Enforcement Policy is largely identical to that used for nuclear safety regulations and the DOE Office of Enforcement is gearing for implementation consistent with existing nuclear safety practices. This has also caused an influx of contractor worker safety and health professionals into the workings, activities, and meetings of the PAAAWG.

Membership

Membership in the PAAA Working Group varies from meeting to meeting, based on the topics being discussed, the location of the meeting, and the nature of the work being accomplished. In past years, the PAAAWG semi-annual meetings were attended by 70 to 80 contractor professionals and 5 to 10 DOE individuals (most from the PAAAWG sponsoring Office of Enforcement). In 2006, attendance increased to between 90 and 100 contractor professionals, in recognition of the insights that are available from the shared lessons learned, breakout sessions, and the activities tied to preparing for enforcement of 10 CFR 851. Approximately 85 percent of the contractor professionals attending the semi-annual meetings consider themselves members of the PAAAWG. For the most part, the PAAA Coordinators, Coordinator alternates, and staff from each of the company sites within the DOE complex are a part of the PAAAWG membership. Additionally, subject experts in the area of quality assurance, radiation control, safety analysis, root cause analysis, worker safety and health, regulatory compliance, legal matters, project management, and program management are important members of the Working Group. Some of the members are also members of other EFCOG Working Groups (most notably the Integrated Safety Management Working Group).

Of the fifty-seven (57) member companies within EFCOG, approximately thirty-seven (37) companies are represented on the PAAAWG. Those companies not represented are generally those with little or no direct Price-Anderson reporting or liability issues.

There have been some recent changes to the management structure of the PAAAWG due to work reassignments and planned successions. The current structure is as follows.

The DOE Sponsor is:

Anthony A. Weadock
Acting Director, Office of Enforcement
US Department of Energy

The EFCOG Sponsoring Director is:

John G. Meyer (Greg)
Deputy General Manager
BWXT Pantex

The PAAAWG is managed by:

Stephen C. Filipowicz, Co-Chair
Performance Assurance Manager
BWXT Pantex



William L. Luce, Co-Chair
Regulatory Services Manager
Washington Savannah River Company

Conard L. Stair, Strategic Planning Committee Lead
PAAA Program Manager
BWXT Y-12

Ronald J. Simonton, Strategic Planning Committee Member
Manager, Nuclear/Worker Safety Rules
Sandia National Laboratories

Richard A. Hughes, Strategic Planning Committee Member
PAAA Coordinator
Washington Closure Hanford

Alverton A. Elliot, Strategic Planning Committee Member
PAAA Office Leader
Los Alamos National Laboratory

Sandra L. English, Strategic Planning Committee Member
PAAA Program Coordinator
Battelle-Pacific Northwest National Laboratory

Alan G. Wagner, Strategic Planning Committee Member
PAAA Program Manager
Battelle Energy Alliance

During the last year Mr. Brinley Varchol (Fluor Fernald) stepped down as Co-Chair and was replaced by Mr. William Luce (WSRC). Mr. Conard Stair (BWXT Y-12) replaced Mr. Luce as Strategic Planning Committee Lead and Mr. Al Wagner (BEA) filled the open Strategic Planning Member position created by Mr. Stair's move. Mr. David Amerine (Parsons) was replaced by Mr. Greg Meyer (BWXT Pantex) as the Sponsoring Director and Mr. Steve Sohinki was replaced by Mr. Tony Weadock as the DOE Sponsor. Words cannot express the sincere appreciation of the entire PAAAWG for the leadership, contribution, guidance, and commitment from Messer's Sohinki, Amerine, and Varchol during their years of service with the Working Group.

In 2007, it is expected that one of the Co-Chairs (Mr. Filipowicz) will finish his term and step down. At least one member of the Strategic Planning Committee will be replaced due to a pending retirement.

Objectives and Achievements

Objective - Provide planning and actions necessary to achieve the overall objectives of the EFCOG in the area of nuclear/radiological safety regulatory activities. Continue the PAAAWG Co-Chair arrangement and report to the Directors.



PAAA Working Group Co-Chairs: The PAAAWG restructured its organization in late 2004 to better focus on the key issues important to our DOE Sponsoring Director and to be responsive to the needs and expectations of the EFCOG Directors. Leadership was shifted from a single Working Group Chair to two Co-Chairs and a lead assigned from the Strategic Planning Committee (SPC). Additionally, the SPC was expanded from four to six representatives.

After two years of experience with this structure, the Co-Chair arrangement continues to be much more successful than originally anticipated. The Co-Chair structure allows more flexibility and spreads the workload such that the periodic crisis, and times of escalated workload, does not occur to both Co-Chairs simultaneously. However, the success of the Co-Chair arrangement is truly personality dependent in that the Co-Chairs must be able to work together and share a common vision. It is recommended that the Co-Chair structure remain intact.

The tenure of the Co-Chairs will continue to be split to ensure leadership continuity and experience, such that only one of the Co-Chairs is replaced in any given year. In addition, it continues to be appropriate that the Co-Chairs come from site contractors that are not funded through the same DOE PSO.

Objective - Promote, coordinate, and facilitate the active exchange of programs, practices, procedures, lessons learned, and other pertinent information on nuclear/radiological safety regulatory activities.

Objective - Provide an avenue for communications to and from the DOE Office of Enforcement on matters of enforcement programs, expectations, clarifications, complex-wide issues, and guidance.

Objective - Promote training and learning on nuclear/radiological safety regulatory activities by sharing of management and technical information among DOE contractors through mechanisms such as workshops, task teams, and conferences.

Working Group Meetings: The PAAAWG held two working sessions during 2006; one was in the Spring at the Nevada Site Office and the other was in the Fall at Sandia National Laboratories. Both meetings were very productive and attended by approximately 100 representatives from companies throughout the DOE Complex and by representatives from the DOE Office of Enforcement. At both meetings, extensive presentations and discussions were held on Price-Anderson issues, including Lessons Learned from recent Enforcement Actions, Enforcement Conferences, Program Reviews and other interactions with the DOE Office of Enforcement. Attendees continually comment that this portion of our meetings is extremely valuable offering candid feedback on preparing for matters of escalated enforcement interest.

During the Spring meeting, a joint session was held with DOE and contractor participants to review 10 CFR 851 in detail and to capture questions and possible compliance approaches. The product from this meeting was used as the major compilation of 10 CFR 851 issues utilized by the EFCOG 10 CFR 851 Project Team through the ISM Working Group. (Six members from the PAAAWG are serving as team leads/members for the 10 CFR 851 Project Team.)

During the Fall meeting, 10 CFR 851 continued to receive significant focus with joint DOE and contractor sessions on training for managers, mock inspections, and 10 CFR 851 NTS reporting. A tailored approach to contractor corrective action program elements for 10 CFR 851 NTS reported noncompliances (developed by the PAAAWG



members of the EFCOG 10 CFR 851 Project Team) was presented and acknowledged as a viable cost-saving measure. In August 2006, the EFCOG Directors approved implementation of four pilot Price-Anderson Program Peer Reviews. The first two recently completed reviews (one at WIPP and one at Fluor Hanford), as well as the process and procedures for the reviews, were also covered at the Fall meeting. It is planned that this activity will be implemented on an on-going basis through a Subgroup to the PAAAWG that is in its early stages of being formed. Insightful presentations on Determining Willful Violations and the Major Fraud Act (both involving aspects important to Price-Anderson processes that are not always obvious to inexperienced PAAA coordinators) were provided during the Fall meeting under the Working Group's training and leaning objective.

PAAAWG Support at Other Meetings:

- As is traditional, some members from the Strategic Planning Committee and other selected contractor PAAA coordinators provided active support to the annual Price-Anderson Coordinator Training hosted by the DOE Office of Enforcement in April 2006. Participating individuals served primarily in the role of facilitators for various Price-Anderson elements, panel discussions, and case studies.
- Six members from the PAAAWG participated in the series of joint EFCOG/DOE meetings and work assignments supporting the EFCOG 10 CFR 851 Project Team. One of the PAAAWG members led the Legal Team and another led the Enforcement Team. While aspects of this activity are still on-going (primarily associated with legal issues), significant progress has been made in resolving most of the technical and enforcement issues.

Publications Issued:

- The PAAAWG task team, led by Richard Steele from Sandia National Laboratories, issued a White Paper on Extent of Condition Evaluations in August 2006. This white paper was the culmination of an extensive effort by the team, which was well represented by contractors throughout the DOE Complex and included valuable inputs from the staff of our DOE Sponsor. The white paper was issued for a 6-month interim period where feedback and improvement suggestions are being solicited from users. The document, along with any feedback and improvement suggestions, will then be reassigned to the EFCOG ISM Working Group (at the end of January 2007) for continued maintenance and possible conversion into a Contractor Implementation Guide.
- While the issued document was published by the DOE Office of Enforcement, the PAAAWG provided extensive inputs and suggestions in relation to the draft NTS Reporting Thresholds for 10 CFR 851 worker safety and health noncompliances. The inputs from the Working Group were well received and the reporting thresholds are currently being utilized for trial NTS reporting, prior to the effective date of 10 CFR 851 in February 2007.

In order to ensure positive lessons learned and enhance communications between PAAA Coordinators, all of the Working Group presentations from our most recent meetings are available on the EFCOG Website, along with publications that we have issued over the last several years.



Planning for the Year Ahead

Working Group Organization: During 2007, the following organizational actions are planned:

- Appoint a new Co-Chair to replace Mr. Steve Filipowicz whose term will expire.
- Appoint a new Strategic Planning Committee member to replace Mr. Ron Simonton who is retiring, and reaffirm the appointments of other SPC members.
- Formally charter, establish, and staff a Subgroup to manage and conduct the Price-Anderson Program Peer Reviews.

Working Group Activities: During 2007, the following activity actions are planned:

- Conduct a Spring Working Group meeting (tentatively scheduled for April 2007 at the Nevada Site Office) in conjunction with the DOE Office of Enforcement Annual PAAA Coordinators Training. This joint session will permit the Working Group to continue our special emphasis on our already effective working relationship with our DOE Sponsor. This particular session will also be an important feed forward into activities that the Working Group will undertake for the remainder of the year. 10 CFR 851 will be in effect and early lessons learned should be available that may suggest areas for the Working Group to pursue. In addition, a series of breakout sessions are planned that typically result in developing issues, concerns, areas of needed guidance, etc. that can be dealt with through Working Group activities. The breakout session format has proven to be highly effective at engaging many personnel in several areas thereby getting the most out of our resources.
- Conduct a Fall Working Group meeting (tentatively schedule for October 2007 at a DOE site office in the east). Other than the standard emphasis on sharing lessons learned, the detailed plans for this session will be established by the Strategic Planning Committee following the Spring meeting.
- During one of the sessions, we hope to review and discuss the process for measuring nuclear safety excellence and how we know if we are making a difference in regards to nuclear safety, along with a better method to capture and report data that measures nuclear safety performance. (These same concepts may also be applicable to worker safety and health under 10 CFR 851.)
- Complete the remaining two pilot EFCOG Price-Anderson Program Peer Reviews and report the results and recommendations to the EFCOG Directors in February 2007. Based on the results of the two reviews already completed, a recommendation to continue the program is anticipated, because it provides value to all involved parties (i.e., the contractor receiving the review, the individuals conducting the review, and DOE) and, when meeting the defined DOE Office of Enforcement expectations, it substitutes for a formal DOE Program Review.
- Formally charter, establish, and staff a Subgroup to manage and conduct the Price-Anderson Program Peer Reviews.
- Revise the Working Group's Charter to acknowledge the role of the Working Group related to enforcement aspects of 10 CFR 851 and 10 CFR 824, to the



extent appropriate. (The current charter is only focused toward the Price-Anderson nuclear safety rules.)

- Investigate possible involvement with the DOE Office of Enforcement responsibilities for enforcement of 10 CFR 824 (classified information) in possible conjunction with the EFCOG Security Working Group. This is a new responsibility assigned to the Office of Enforcement resulting from the recent reorganization to the Office of Health, Safety and Security.

Coordination with other Working Groups: The PAAAWG plans to continue its strong interaction and coordination with other EFCOG Working Groups. Many of the 2006 activities and products were the result of supporting efforts with the ISM Working Group and several of its Subgroups and these interactions have proven successful. We will also continue our interaction with other groups within DOE and the contractor community as we deal with issues and topics of special interest to the success of the Working Group efforts.

Lessons Learned

There was one lesson learned by the PAAAWG during 2005 that required resolution. The Spring 2005 Working Group meeting was held in conjunction with the DOE sponsored PAAA New Coordinator training. This two-day training resulted in shortening the time available (from a full day to half a day) for the Working Group to discuss lessons learned from enforcement activities and other matters during a “contractor only” session. Comments were received from many Working Group constituents that this portion of our meetings was the most valuable part and that four hours was not an adequate time to discuss the important lessons learned. As a result, in 2006 the DOE Coordinator Training and the Working Group meetings were held separately in an attempt to best serve the needs of the participants. However, this too presented a problem in that some individuals that desired to attend both sessions (even though they were scheduled at different times) were not able to balance scarce travel budgets and ended up only attending one of the meetings. After in-depth discussions with our DOE Sponsor, we have decided to revert back to a joint meeting in the Spring of 2007, but to carefully realign the “contractor only” and “DOE only” sessions from both meetings to ensure ample time for sharing of lessons learned, while still providing the benefit of all interested employees in being able to attend the training and other joint sessions.

The Working Group continued to benefit from a strong DOE Sponsor and his commitment to our success and effectiveness. Increased participation by the EFCOG Sponsoring Director over the last two years contributed to a smooth transition of leadership changes and demonstrated, to both our customer and to our members, a positive and proactive commitment from the EFCOG Directors to the continued viability of the PAAAWG. While both of these positions have undergone a recent change in individuals, we expect the newly assigned individuals (both of which have had previous involvement in PAAA matters) to continue to provide this support and leadership.

Effectiveness Evaluation

The PAAAWG continued its excellent interaction with the DOE Office of Enforcement during 2006. The PAAAWG enhanced our working partnership with DOE by



restructuring our meetings to effectively deal with key issues and hot topics important to both DOE and the contractor community. The Working Group notably increased its relationship and partnership with other EFCOG Working Groups (most notably the ISM Working Group) with focused involvement in preparing for implementation of 10 CFR 851. During this period and with significant involvement of DOE, we developed the Extent of Condition Review white paper, which highlights the attributes of effective extent of condition reviews and trending. The ultimate goal of this document and other efforts of the PAAAWG are to support the DOE desire to move the enforcement program from an “event-driven” to an “assessment driven” process.

Recommendations

Based on the continued effectiveness of the PAAAWG, it is clear that its scope and mission should be continued into the foreseeable future. It is an example that typifies and exemplifies the intent and purpose of the EFCOG Charter and the overall purpose of its planned mission and goals. The PAAAWG will continue to monitor and report on its effectiveness and will adjust its approach, when necessary, to satisfy our DOE Sponsor and to meet the changing needs and expectations of our EFCOG member companies.

Near-term organizational change recommendations are to:

- Revise the Working Group’s Charter to acknowledge the role of the Working Group related to enforcement aspects of 10 CFR 851 and 10 CFR 824, to the extent appropriate. (The current charter is only focused toward the Price-Anderson nuclear safety rules.)
- Formally charter, establish, and staff a Subgroup to manage and conduct the Price-Anderson Program Peer Reviews.