



SAFETY AND SECURITY REGULATORY WORKING GROUP 2007 ANNUAL REPORT TO THE DIRECTORS

Introduction

The primary focus of the EFCOG Safety and Security Regulatory (SSR) Working Group is on nuclear/radiological safety, worker safety and health, and information security in the context of DOE enforceable regulations throughout the entire life cycles of facilities and activities. The SSR Working Group was previously called the Price-Anderson Amendments Act Working Group but has been renamed in recognition of the DOE issuance and integrated enforcement focus on the requirements from 10 CFR 824 and 10 CFR 851. 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 DOE enforceable regulations.

The purpose of the Working Group is to enhance communications and cooperation with the DOE Office of Enforcement and to promote excellence at DOE facilities through the understanding and implementation of nuclear safety, worker safety and health, and classified information laws and regulations; information sharing; and application of lessons learned.

The objectives of the SSR Working Group are to:

- Provide planning and actions necessary to achieve the overall objectives of the EFCOG in the area of nuclear/radiological safety, worker safety and health, and classified information security regulatory activities.
- Promote, coordinate, and facilitate the active exchange of programs, practices, procedures, lessons learned, and other pertinent information on safety and security 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 safety and security regulatory activities by sharing of management and technical information among DOE contractors through mechanisms such as workshops, task teams, and conferences.

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

- Safety and security compliance assurance, including noncompliance reporting.
- Conduct of Enforcement Investigations, Conferences, and Program Reviews.
- Graded or tailored approaches to safety and security regulation implementation, including appropriate benchmarking activities.
- Working relationships with regulatory counterparts (e.g., DOE 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.

Membership

Membership in the SSR 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 Working Group semi-annual meetings were attended by 70 to 80 contractor professionals and 5 to 10 DOE individuals (most from the SSR Working Group sponsoring DOE 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. The Spring Working Group meeting in 2007 involved approximately 125 participants. This was primarily due to full integration of the Spring meeting with the annual DOE training for PAAA/WS&H Coordinators as well as some lingering issues with 10 CFR 851 implementation. Approximately 80 percent of the contractor professionals attending the semi-annual meetings consider themselves members of the SSR Working Group. For the most part, the PAAA/WS&H Coordinators, Coordinator alternates, and staff from each of the company sites within the DOE complex are a part of the SSR Working Group 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 and the ES&H Working Group).

Of the sixty-five (65) member companies within EFCOG, approximately thirty-nine (39) companies are represented on the SSR Working Group. Those companies not represented are generally those with little or no direct Price-Anderson/Worker Safety and Health reporting or liability issues.

There have been some recent changes to the leadership/management structure of the SSR Working Group due to work reassignments and planned successions. The current structure is as follows.

The DOE Sponsor is:

Arnold E. Guevara
Director, Office of Enforcement
US Department of Energy

The EFCOG Sponsoring Director is:

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

The SSR Working Group leadership is:



William L. Luce, Co-Chair
Manager, Contractor Assurance Processes
Washington Savannah River Company

Conard L. Stair, Co-Chair
Associate Manager, Compliance and Support
BWXT Y-12

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

Steven J. Ward, Strategic Planning Committee Member
Senior Manager, Safety & Security Regulatory Support
Sandia National Laboratories

Craig E. Anderson, Strategic Planning Committee Member
Director, PAAA
CH2M Hill Hanford Group

Lynn S. Nye, Strategic Planning Committee Member
PAAA Coordinator/Manager
Fluor Hanford

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

Management of the SSR Working Group continues to benefit from a reasonable mix of old and new leaders. During the last year Mr. Steve Filipowicz (BWXT Pantex) stepped down as Co-Chair and was replaced by Mr. Conard Stair (BWXT Y-12). Mr. Al Wagner (BEA) replaced Mr. Stair as Strategic Planning Committee Lead and Mr. Craig Anderson (CH2M Hill Hanford) filled the open Strategic Planning Member position created by Mr. Wagner's move. After many years of service to the Working Group, three additional Strategic Planning Committee Members stepped down. Mr. Ron Simonton (Sandia) and Mr. Al Elliott (LANL) stepped down as members due to their retirement. Mr. Rick Hughes (Washington Closure) stepped down due to a work reassignment. Two new Strategic Planning Committee Members (Ms. Lynn Nye from Fluor Hanford and Mr. Steve Ward from Sandia) have been appointed to fill two of these positions. The remaining open position will be filled in the coming weeks.

Mr. Arnold Guevara (the DOE Office of Enforcement Director and our DOE Sponsor) and his staff have been very actively supporting the working group.

Objectives and Achievements



Objective - Provide planning and actions necessary to achieve the overall objectives of the EFCOG in the area of nuclear/radiological safety, worker safety and health, and classified information security regulatory activities. Continue the SSR Working Group Co-Chair arrangement and report to the Directors.

SSR Working Group Co-Chairs: The SSR Working Group 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 three 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 arraignment 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 safety and security 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 safety and security 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 SSR Working Group held two working sessions during 2007; one was in the spring at the Nevada Site Office and the other was in the fall at Brookhaven National Laboratory. Both meetings were very productive. The spring meeting was attended by approximately 125 representatives from companies throughout the DOE Complex and by representatives from the DOE Office of Enforcement. Attendance at the fall meeting was understandably influenced (about 80 attendees) by contractor travel budget constraints and FY08 budget uncertainties. At both meetings, extensive presentations and discussions were held on Price-Anderson and Classified Information Security 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.

The spring meeting was fully coordinated with the DOE Office of Enforcement Annual New Coordinator Training. This proved to be very effective in permitting experienced contractor coordinators to participate in the training sessions with new contractor and DOE coordinators and to readily offer insights, respond to a variety of questions, and



support breakout sessions associated with the training. The balance of the spring session included discussions of changes to the working group name and charter, discussion of 10 CFR 851 interpretation issues, review of pilot NTS reporting under 10 CFR 851, and a status update from the Peer Review Subgroup. Initial discussions around 10 CFR 824 enforcement actions in the context of potential Working Group involvement were also conducted as the first enforcement action under 10 CFR 824 was being pursued at that time.

During the fall meeting, 10 CFR 851 continued to receive significant focus with a set of well orchestrated breakout sessions on noncompliance and NTS reporting scenarios. These breakout sessions received especially positive feedback from the participants with many requests to conduct similar sessions at future meetings. The new name for the working group was announced and a status update was provided by the Peer Review Subgroup. The Peer Review Subgroup completed their efforts to revised the procedures and checklist to reflect feedback from the pilots, incorporate elements of 10 CFR 851, and include flexible coverage of 10 CFR 824 in a manner that would permit future teaming with the Security Working Group. The first enforcement actions under 10 CFR 824 were discussed in some detail from the DOE and contractor perspective with an interest in understanding the insights from the experiences of those involved.

SSR Working Group Support at Other Meetings:

- Members from the Strategic Planning Committee met with the DOE Office of Enforcement Director and members of his staff on September 6, 2007. This meeting served two purposes. It provided appropriate pre-planning for the Fall Working Group Meeting and it provided a forum for discussion of a number of initiatives for Working Group action. (These initiatives are discussed in more detail below under Planning for the Year Ahead.)
- A Security Working Group Meeting was attended on October 10, 2007 to make an initial contact in relation to potential joint involvement with the Safety and Security Regulatory Working Group on peer reviews. (This aspect is also discussed in more detail below under Planning for the Year Ahead.)

Publications Issued:

- The Peer Review Subgroup completed its efforts to revised the procedures and checklist to reflect feedback from the peer review pilots, incorporate elements of 10 CFR 851, and include flexible coverage of 10 CFR 824 in a manner that would permit future teaming with the Security Working Group. A draft letter announcing the availability of Peer Reviews to EFCOG contractors was developed and is currently being vetted for issuance through the EFCOG Director.
- The DOE Office of Enforcement requested the Safety and Security Working Group to coordinate a review of their streamlined template for Investigation Summary Reports. Consolidated comments were provided to DOE on November 16, 2007; however, in general, the Working Group recognized and encouraged the Office of Enforcement's efforts to streamline the Investigation Summary Report as an element in moving forward with enforcement matters in an as expedient manner as possible.



- In recognition of the enforcement aspects associated with regulations (10 CFR 824 and 10 CFR 851) beyond Price-Anderson, the name of the Working Group has been changed and the charter has been updated.

In order to ensure positive lessons learned and enhance communications between members and other interested individuals, 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 2008, the following organizational actions are planned:

- Appoint a new Strategic Planning Committee member to fill the current open position. Candidates were solicited at the fall 2007 meeting and a recommendation will be forward to the Sponsoring Director in the coming weeks.

Working Group Activities: During 2008, the following activity actions are planned:

- Conduct a spring Working Group meeting (tentatively scheduled for April 2008 at the Nevada Site Office) in conjunction with the DOE Office of Enforcement Annual PAAA/WS&H/Security 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 SSR Working Group will undertake for the remainder of the year. New enforcement experiences with 10 CFR 824 and 10 CFR 851 are likely 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 2008 at Oak Ridge). 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.
- The working plans to support two DOE Office of Enforcement requests for white papers on the following topics:
 - What credit from an enforcement perspective should be given to a Voluntary Protection Program contractor. (This will be a joint effort with the ES&H Working Group with an initial target to have the white paper drafted, reviewed and issued by the March Annual EFCOG meeting.)
 - Issuing a civil penalty versus a contract remedy (when and why). (The Working Group is currently exploring the possibilities with a small team and we intend to keep the EFCOG Directors, through our Sponsoring Director, fully engaged prior to issuing anything on this topic.)



- Depending on the specific requests from contractors to conduct Peer Reviews at their sites, the Peer Review Subgroup will support those requests in 2008. We expect that three or four reviews will be conducted with at least one review being a joint effort with the DOE Office of Enforcement as part of their planned Integrated Program Reviews in 2008.
- In conjunction with the Security Working Group, we plan to work out the appropriate details for coverage of classified security matters (10 CFR 824) in the Peer Review Process.
- Working Group members have asked for a white paper that would provide further definition guidance on what is (or should be) considered a "self-disclosing event" ... an event not afforded full credit for enforcement mitigation purposes. (A team has been formed to develop this paper with the thought to ultimately get the paper to the Office of Enforcement for their consideration.)

Coordination with other Working Groups: The SSR Working Group plans to continue its strong interaction and coordination with other EFCOG Working Groups. Many of the 2006 and 2007 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 SSR Working Group 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 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. This arrangement worked especially well and we now consider this matter fully resolved.

The Working Group continues to benefit from a strong DOE Sponsor and his commitment to our success and effectiveness. 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 SSR Working Group.



Effectiveness Evaluation

The SSR Working Group continued its excellent interaction with the DOE Office of Enforcement during 2007. The SSR Working Group 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 increased its relationship and partnership with other EFCOG Working Groups (most notably the ISM Working Group and most recently with the ES&H Working Group and the Security Working Group) with focused involvement in implementation of 10 CFR 851 and enforcement of 10 CFR 824.

With the issuance of 10 CFR 851 and the integrated enforcement approach to 10 CFR 824, much of the focus of the Working Group this period was directed at setting the stage for implementation and feedback and improvement that will occur over the coming years. The Peer Review Process is now fully ready for formal offering to EFCOG contractors and a number of reviews are expected to be completed in 2008. Efforts of the SSR Working Group are all geared toward overall support of 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 SSR Working Group, 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 SSR Working Group 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.