

CHAPTER 2 - RESPONSIBILITIES AND AUTHORITIES

2.1. Scope of the Chapter

This chapter summarizes the responsibilities and authorities for enforcement activities established in the DOE Enforcement Program Procedural Rules (10 CFR 820) and the Enforcement Policy (10 CFR 820, Appendix A). Further detail on supporting roles to The Office of Enforcement and Investigation is contained in a separate DOE document, titled Operational Procedures for Roles and Responsibilities.

2.2. Assistant Secretary, Environment, Safety and Health

The Office of the Assistant Secretary, Environment, Safety Health has been assigned the responsibility by the Secretary of Energy to implement the enforcement authority provided to the Department in the PAAA. The Assistant Secretary has the responsibility to provide personnel and resources for PAAA enforcement activities, except for those which are the specific responsibility of the Deputy Assistant Secretary for Naval Reactors as set forth in 10 CFR 820.

2.3. Director, Office of Enforcement and Investigation

The Director, Office of Enforcement and Investigation, has been designated principal officer for DOE enforcement activities for the PAAA. The Director manages all DOE enforcement activities pursuant to these statutes and delegations; directs the technical and legal reviews; supervises investigations; and prepares enforcement actions. He is also responsible for the administrative litigation of contested enforcement actions, the issuance of Consent Orders to resolve contested issues, and the appropriate referral of criminal enforcement actions to DOJ. The Director obtains signatures of other DOE officials as appropriate before issuing Notices of Violation. The Director is also responsible for providing guidance and training for implementation of the Department's PAAA Enforcement Programs.

2.4. Office of Enforcement and Investigation

As directed by the Director, the staff performs the following tasks, among other duties:

- a. **Reviews and evaluates available information on noncompliances and potential violations, including information reported to the Noncompliance Tracking System (NTS). Completes the Noncompliance Review Form and recommends whether to conduct an investigation or initiate enforcement actions to the Director.**
- b. **Investigates potential violations of nuclear safety requirements as identified by internal or external sources, and prepares investigative reports and/or technical evaluations with appropriate findings and recommendations up to and including the recommendation of enforcement actions. These investigations are conducted in accordance with the Operational Procedures for Investigation.**
- c. **Prepares for the Director's signature, or other official as authorized by the Director, all recommended enforcement actions, including PNOVs, Final Notices of Violation (FNOV), civil penalties in addition to appropriate transmittal and enforcement letters to the contractor.**
- d. **Prepares an advance notification to the Secretary for all enforcement actions involving a civil penalty, if requested by the Office of the Assistant Secretary, Environment, Safety Health or the Director.**
- e. **Chairs and participates in enforcement conferences as authorized by the Director consistent with the guidance in this enforcement procedure.**
- f. **Prosecutes contested enforcement actions consistent with the procedures set forth in 10 CFR 820, Subpart B, as authorized by the Director.**
- g. **Resolves contested issues and actions through settlement between and among the parties and prepares Consent Orders for issuance by the Director.**
- h. **Periodically issues a DOE Report describing enforcement actions taken against contractors, subcontractors and suppliers.**
- i. **Maintains the NTS.**
- j. **Maintains a docket for (1) enforcement actions commencing with the filing of a PNOV or Enforcement Letter; (2) interpretations issued pursuant to 10 CFR 820, Subpart D (interpretations of nuclear safety regulatory requirements issued by the Office of General Counsel); (3) exemptions to nuclear safety requirements issued pursuant to 10 CFR 820, Subpart E; and (4) rule implementation plans. Docketing functions will be performed by the Office of Docketing Clerk.**

2.5. Secretarial Notification and Consultation

The Secretary will be notified of service for all PNOVs involving civil penalties (see Section XI of the Enforcement Policy). In addition, consultation with the Secretary is required before enforcement action is taken in any of the following cases:

- a. Any proposed enforcement action to impose civil penalties in an amount equal to or greater than \$100,000;**
- b. Any proposed enforcement action that involves a Severity Level I violation;**
- c. Any enforcement action that the Director concludes warrants the Secretary's involvement;**
- d. Any proposed enforcement action on which the Secretary asks to be consulted.**