

PREFACE

Operational Procedures for Enforcement (previously DOE HDBK 1087-95) has just been published by the Office of Enforcement and Investigation, EH-10.

Key changes to the enforcement procedure include the following:

- Provides information on Enforcement Letters and when they may be used instead of a Notice of Violation;

- Clarifies that mitigation for identification and reporting will generally not be given for self-disclosing events, or when timely effort to restore compliance is not taken;

- Clarifies DOE's considerations when determining whether to exercise discretion in the application of a civil penalty, and notes that DOE may use mitigating factors to reduce the severity level of a violation in the case of Not-for-Profit contractors.

- Clarifies the types of violations that normally fall into the different severity level classifications, and the circumstances when a severity level III violation may warrant a civil penalty.

- Notes DOE's authority to apply the base civil penalty on a per-day basis, particularly when the violation is continuing and its significance warrants more than the single day base civil penalty.

- Clarifies that Final Notices of Violation will not be issued if the Preliminary Notice is not contested.

- Clarifies DOE's consideration of circumstances that would be considered "willful" in evaluating a violation.

- Provides information on expectations of compliance responsibilities and enforcement considerations when a site transitions between contractors.

If you have any questions or comments concerning the procedures, you may call Sue Petersen at 301-903-0112 or post your comments in the comments section of the web site.