FOREWORD

The purpose of the DOE Enforcement Program is to promote and protect the radiological health and safety of the public and workers in the performance of DOE activities by performing the following:

I. Fostering compliance with applicable DOE nuclear safety requirements;

II. Providing positive incentives for contractors, subcontractors and suppliers who perform the following tasks:

A. Timely self-identification of nuclear safety deficiencies,
B. Prompt and complete reporting of such deficiencies to DOE,
C. Root cause analyses of nuclear safety deficiencies,
D. Prompt correction of nuclear safety deficiencies in a manner which precludes recurrence, and
E. Identification and implementation of modifications in practices or facilities that can improve public or worker radiological health and safety;

III. Deterring future violations of DOE nuclear safety requirements by DOE contractors; and,

IV. Encouraging the continuous overall improvement of operations in DOE nuclear activities.

TABLE OF CONTENTS

FOREWORD ..... **i**

CHAPTER 1

GENERAL **1**

1.1. Purpose **1**
1.2. Uses **1**
1.3. Interim Enforcement Guidance **3**
1.4. Definitions **3**

CHAPTER 2

RESPONSIBILITIES AND AUTHORITIES **5**

2.1. Scope of the Chapter **5**
2.2. Assistant Secretary, Environment, Safety and Health **5**
2.3. Director, Office of Enforcement and Investigation **5**
2.4. Office of Enforcement and Investigation **5**
2.5. Secretarial Notification and Consultation **7**

CHAPTER 3

EVALUATION AND INVESTIGATION OF POTENTIAL VIOLATIONS; CONDUCT OF ENFORCEMENT CONFERENCES **8**

3.1. Scope of the Chapter **8**
3.2. General Overview of Enforcement Process **8**
3.3. Identification of Nuclear Safety Noncompliances **10**
3.4. Preliminary Evaluation of Noncompliances **11**
3.5. Investigation of Potential Violations **12**
3.6. Informal Enforcement Conferences **19**

CHAPTER 4

ENFORCEMENT ACTIONS 27

4.1. Preliminary and Final Notices of Violation 27
4.2. Severity Level 33
4.3. Base Civil Penalties 36
4.4. Adjustment of Base Civil Penalty 38
4.5. Administrative Matters 45

CHAPTER 5

ADDITIONAL ENFORCEMENT POLICY GUIDANCE 48

5.1. Notices of Violation for Suppliers and Subcontractors 48
5.2. Department of Justice Referrals 49
5.3. Discrimination for Engaging in Protected Activities 49
5.4. Accuracy of Information 52
5.5. Willful Violations 52
5.6. Nuclear Safety Activities 53
5.7. DOE Employee Liability 53
5.8. Contractor Transition 54

APPENDIX A - GENERAL STATEMENT OF ENFORCEMENT POLICY (Appendix A to 10 CFR Part 820, as amended) A-2

APPENDIX B - NONCOMPLIANCE REVIEW FORM B-2

APPENDIX C - CHECKLIST FOR PREPARATION OF ENFORCEMENT ACTIONS C-2
APPENDIX D - SUGGESTED FORMATS FOR ENFORCEMENT ACTIONS D-2

Key to Format Notation D-2

FORM 1: Cover letter for Enforcement Action Without a Civil Penalty D-3
FORM 2: PNOV (for all violations without a civil penalty) Preliminary Notice of Violation D-5
FORM 3: Cover Letter for Enforcement Action with Civil Penalty .. D-7
FORM 4: Preliminary Notice With All Violations Assessed a Civil Penalty D-10
FORM 5: Preliminary Notice With Some Violations Assessed a Civil Penalty and Some Violations Not Assessed a Civil Penalty D-12
FORM 6: Cover Letter for Order Imposing Civil Monetary Penalty ..D-15

FORM 7: Order Imposing Civil Monetary Penalty. D-16