



## Office of Enforcement

### New Missions for Enforcement

For more than a decade, the Office of Price-Anderson Enforcement has administered DOE's enforcement program for compliance with Departmental nuclear safety rules. During that time, DOE has issued almost 100 enforcement actions to contractors for violations of nuclear safety requirements in accordance with 10 CFR Part 820, Procedural Rules for DOE Nuclear Activities. Recently, the scope of activities subject to enforcement by DOE has significantly expanded and the Office of Price-Anderson Enforcement has been incorporated into the larger Office of Enforcement. DOE's enforcement authority now covers programs for ensuring classified information security, chronic beryllium disease prevention, and worker safety and health. The requirements and enforcement provisions pertaining to these activities have been established in the following regulations:

- 10 CFR Part 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations
- 10 CFR Part 850, Chronic Beryllium Disease Prevention Program
- 10 CFR Part 851, Worker Safety and Health Program

The Office of Enforcement is currently working on its first enforcement case involving violations of classified information security requirements. To date, no enforcement actions have been taken relative to the worker safety and health rules, which required full compliance by DOE contractors on May 25, 2007.

Concurrent with administering and investigating specific enforcement cases, the Office of Enforcement is working on establishing the infrastructure necessary to meet its expanding mission. This includes hiring new personnel and developing internal protocols to evaluate sources of security and worker safety and health-related information for those significant events and conditions that could warrant an enforcement action. While our internal protocols will be specific to the security and safety disciplines that are now subject to enforcement, the administrative processes and procedures applied to these matters will mirror those that have been applied to the nuclear safety arena for so many years. This includes the following options that are available to the Office of Enforcement in responding to a violation:

1. Monitor the contractor's corrective actions with no further action
2. An Enforcement Letter
3. A Notice of Violation with no civil penalty
4. A Notice of Violation with civil penalty
5. Consent Order
6. Compliance Order
7. Referral to the Department of Justice for criminal prosecution

The Office of Enforcement will continue to exercise its enforcement authority judiciously and objectively. Events and conditions selected for enforcement will continue to be based on actual or potential safety and security significance, coupled with a determination of how aggressively the contractor identified, reported, and corrected the condition. In addition, the Office of Enforcement will continue its tradition of working closely with Field Element and Program Office personnel in deciding which violations have the requisite safety or security significance to warrant an enforcement investigation.

For more information about all three of our program areas - nuclear safety, occupational safety and health, and classified information security - the Office of Enforcement invites you to review its two fundamental resource documents:

- The Enforcement Process Overview that has been updated to include information pertaining to Worker Safety and Health enforcement and consolidates existing nuclear safety enforcement policies and guidance into a single document, (see [www.hss.energy.gov/Enforce/handbks/EPO-June2007-final.pdf](http://www.hss.energy.gov/Enforce/handbks/EPO-June2007-final.pdf)) and
- Implementation Guidance for Enforcement of DOE Classified Information Security Requirements (see [www.hss.energy.gov/Enforce/secenforce/824Implementation.pdf](http://www.hss.energy.gov/Enforce/secenforce/824Implementation.pdf))

If you have any questions or comments regarding DOE's enforcement program, please contact us at (301) 903-2178.