

Strengthening the Department of Energy Worker Health, Safety and Security Functions



Creation of the Office of Health, Safety and Security

August 2006

“The first set of reforms (for the Department of Energy) goes directly to my top priority: the safety and security of every member of this Department. ... Whether you are a federal employee or a contractor, I consider your personal safety to be my personal responsibility.”

**Secretary Samuel W. Bodman
June 14, 2006
Washington, DC**

August 28, 2006

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Table of Contents

	Page Number
List of Acronyms	ii
I. Introduction	1
II. Organizational Factors	2
III. Objectives in Creating the Health, Safety and Security Office	3
IV. Vision Statement for the Office of Health, Safety and Security	6
V. Organization Description	6
VI. Organizational Structure and Functions	7
VII. Implementation Plan	13
Attachment 1: Office of Health, Safety and Security	15
Attachment 2: Cross-walk of Current EH Functions	16
Attachment 3: Cross-walk of Current SSA Functions	17

List of Acronyms

ANL	Argonne National Laboratory
CAIRS	Computerized Accident Incident Reporting and Recordkeeping System
CFO	Office of the Chief Financial Officer
CIO	Office of the Chief Information Officer
DOE	Department of Energy
DOECAP	DOE Consolidated Audit Program
DOELAP	DOE Laboratory Accreditation Program
DNFSB	Defense Nuclear Facilities Safety Board
DR	Office of Departmental Representative to the DNFSB
EEOICPA	Energy Employees Occupational Illness Compensation Program Act
EH	Office of Environment, Safety and Health
ES&H	Environment, safety and health
FOCI	Foreign-ownership control or influence
FY	Fiscal year
GAP	Government Accountability Project
GC	Office of General Counsel
HEPA	High Efficiency Particulate Air (filters)
HR	Office of Human Capital Management
HSS	Office of Health, Safety and Security
INL	Idaho National Laboratory
ITAC	Incident Tracking and Analysis Capability
LANMAS	Local Area Nuclear Material Accountability Software
MA	Office of Management
NBL	New Brunswick Laboratory
NEPA	National Environmental Policy Act
NMMSS	Nuclear Materials Management and Safeguards System
NNSA	National Nuclear Security Administration
NTC	National Training Center
NTEU	National Treasury Employees Union
OMB	Office of Management and Budget
ORPS	Occurrence Reporting and Processing System
PSO	Principal Secretarial Officer
RESL	Radiological and Environmental Sciences Laboratory
SC	Office of the Under Secretary for Science
SSA	Office of Security and Safety Performance Assurance
SSIMS	Safeguards and Security Information Management System
US-Energy	Office of the Under Secretary of Energy
VPP	Voluntary Protection Program

Strengthening the Department of Energy Worker Health, Safety, and Security Functions

Creation of the Office of Health, Safety and Security

I. Introduction

Secretary Bodman's top priority is the health, safety and security of the Department of Energy (DOE) workforce and the communities that service our nation-wide complex of laboratories, facilities, and cleanup sites. Since becoming Secretary of Energy, he has continually emphasized the need for the Department to have a safe and secure work environment for all Federal and contractor employees. The Secretary has also stressed the importance of delineating clear roles and responsibilities and line management accountability to advance this priority.

In reviewing the worker health and safety functions within DOE, and the various DOE Program Offices that have a role in advising the Secretary and Deputy Secretary on the worker health and safety posture of the Department, it was determined that change was necessary to clarify those roles by providing a more focused and integrated organizational approach. A major factor in this decision was how best to maximize the very important core functions being carried out by the current safety and security organizations. It was determined that the strengthening of worker health, safety and security is best accomplished through the creation of a new office, the Office of Health, Safety and Security. Responsibility for effective implementation of health, safety and security programs will continue to reside, as it has in the past, with the Department's line managers. However, the new office will enhance the effectiveness and efficiency of health, safety, environmental protection, and security programs across the complex by providing line managers and their sites with more effective and consistent policy, assistance, enforcement, and independent oversight. Combining health, safety, security, enforcement, and independent oversight responsibilities into the Office of Health, Safety and Security creates one unified office that will result in improved coordination among these important functions, including an integrated approach to managing risks involving safety and security considerations.

The Secretary's commitment to worker health and safety has led him to conclude that it is necessary to implement this plan to strengthen and enhance the worker health and safety programs within the Department of Energy. The creation of the Office of Health, Safety and Security will ensure that all health and safety functions currently managed by the Office of Environment, Safety and Health will continue in a more integrated and effective manner to improve the protections afforded our workers and the public. Additionally, all safety and security functions currently managed by the Office of Security and Safety Performance Assurance will continue to be effectively implemented. These changes will be enhanced by the added benefits of an integrated management approach for safety and security, where both disciplines will benefit from increased coordination and cooperation. In 2004, the Department made a similar change to the security organization by aligning the corporate policy functions with the independent oversight responsibilities. That move has proven to be successful in its integration of policy, technical assistance, and oversight and the positive results it has had on the Department's security posture. We are confident these same results will be achieved for worker health and safety by making these same changes for safety.

The creation of the new Office of Health, Safety and Security will integrate worker health, safety, environment, and security functions into an organizational structure better suited to address cross-cutting issues, increase collaboration and sharing of technical expertise, decrease stove-piping, and increase accountability for worker health, safety and security responsibilities. The functional alignment of responsibilities will prevent overlap in reporting; improve the consistency of policy and guidance development, and coordinate technical assistance while increasing the effectiveness of communication and accountability for worker health, safety, and security at DOE.

II. Organizational Factors

Through discussions with senior officials throughout DOE and in discussions with external stakeholders, the Department has determined that the following factors are key to improving the health, safety, and security functions of the Department:

- **Serve as a direct report to the Office of the Secretary:** Consistent with the Department's efforts to instill an integrated management approach with clear responsibilities and accountability, the Office of Health, Safety and Security will support the Secretary and the Deputy Secretary in their efforts to ensure improved protection of the workforce, the public, and the environment from hazards associated with Department sites and operations, as well as provide the policy, assistance, and oversight to assist line management secure our national security assets from all internal and external threats. Therefore, the office will report directly to the Office of the Secretary, maintain independence from the line organizations, and have unencumbered access to senior program managers.
- **Better alignment of health, safety and security responsibilities:** The Office of Health, Safety and Security will be organized along functional responsibilities to provide line managers with the assistance and tools necessary to ensure the effectiveness of programs that are important to worker health and safety, the environment, and national security. This includes existing programs and functions such as the Voluntary Protection Program, current and former worker health studies and surveillance, support for the Energy Employees Occupational Illness Compensation Program, safety-related quality assurance, and other functions discussed in this document.
- **Continuity of professional leadership:** The Department's Office of Health, Safety and Security must maintain institutional stability, continuity, and impartiality in meeting the Department's mission across the complex. The Secretary will appoint a career Federal professional as the Chief Health, Safety, and Security Officer to lead this office who possesses an extensive understanding of Departmental operations and who will sustain focus on worker health, safety and security programs through changes in Administrations. This position will be personally accountable to the Secretary / Deputy Secretary.
- **Better alignment of separate responsibilities outside of safety and security to other DOE offices:** The current safety and security organizations include certain functions that are more appropriate for a line organization such as management of a laboratory or facility and providing staff augmentation to line management in development of authorization basis documentation or facility design. The Department is moving these responsibilities to the appropriate functional office so that the Office of Health, Safety and Security can work exclusively on health, safety, and security policies, and issues and programs including providing independent oversight and enforcement.
- **Strengthened line management accountability:** Closer coupling of the independent oversight function of the Office of Security and Safety Performance Assurance (SSA) and the analysis function of the Office of Environment, Safety and Health (EH) will result in

improved reporting on performance to the Secretary and support his need to hold line managers accountable for performance. Additionally, enhanced capability to identify Department-wide worker health, safety, environmental, and security issues will assist line management (program offices and the field) in addressing those significant issues.

- **Increased collaboration:** There are opportunities for increased coordination among several health, safety, and security functions, such as training, policy development, technical assistance, independent oversight, and enforcement. For example, the National Training Center has the proper infrastructure to design and sustain training activities for both safety and security. Additionally, by moving the Office of the Departmental Representative (DR) to the Defense Nuclear Facilities Safety Board (DNFSB) into the new office, there will be significant opportunities for enhanced collaboration between the DNFSB and the primary office functions (e.g., safety and oversight) with which they work. This new office will work closely, on a continuing basis, with key stakeholders such as unions and workers in addition to line management. Changes in the organizational structure of environment, safety and health policy as well as health studies and surveillance will facilitate opportunities for collaboration and provide opportunities for improvement.
- **Strengthened corporate training for both safety and security professionals:** The new office will establish a unified center for DOE training support in the safety and security areas which will provide a comprehensive and coordinated approach for enhancing and maintaining the expertise, knowledge and skills for all safety and security professionals within the Department. This is essential to address the human capital concerns associated with an aging workforce and to strengthen our efforts to attract and retain the future workforce the Department needs. To further enhance the technical expertise of the health and safety professionals, the new office will coordinate the Federal Technical Capabilities Program, the Technical Qualification Program, Nuclear Executive Leadership Training, and Human Performance Improvement training activities at the corporate level for the entire Department.
- **Strengthened capability to address Department-wide issues:** A high priority of the new office will be to establish a dedicated group to focus on assisting line organizations to resolve issues utilizing a structured approach to identify and address causes to prevent recurrence of safety incidents throughout the Department. Closer coupling of DR with the worker safety and health policy, technical assistance and independent oversight functions will facilitate improvements in addressing issues identified by external sources. Further benefits will be gained through the integration of the safety and security functions such as developing a coordinated effort to evaluate new security technology being considered to meet the Design Basis Threat. The Department has already seen the benefit of a similar effort involving security policy, technical assistance, and independent oversight.

III. Objectives in Creating the Health, Safety and Security Office

The creation of a new office that integrates worker health, safety, environment, and security functions at the Department of Energy will create an organizational structure better suited to address cross-cutting issues, increase collaboration and sharing of technical expertise, decrease stove-piping, and increase accountability for worker health, safety and security responsibilities. The integrated approach and functional alignment of responsibilities in the new office will prevent overlap in reporting, policy and guidance development, and technical assistance responsibilities while increasing the effectiveness of communication and accountability for worker health, safety, and security at DOE. Worker health, safety, and security are the Department's most significant cross-cutting activities with a common purpose to provide for the

protection of the workers and public from hazards associated with Department sites and operations.

The Department identified the following key objectives in strengthening health, safety, security and environmental functions at DOE.

Improve the quality and timeliness of ES&H policy and directives: To address concerns of overlapping directives and to develop high quality policies, the current ES&H policy elements will be integrated to provide better guidance on health and safety across the complex. Coordination with program offices, field element, and other stakeholders will be strengthened to facilitate efforts to obtain and evaluate input in the early stages of policy development. The results of health studies and surveillance will be better utilized in the development of policy and improvements in protection of the workforce. Accountability for the development of quality products in accordance with established schedules will be strengthened and efforts will be prioritized based on the highest priority needs.

Enhance worker health and safety based on priorities developed from operating experience, health studies and surveillance, independent oversight results, and other stakeholder feedback: The new office will bring several types of experience to bear to assist line managers, including experience with all safety disciplines, and will focus on making improvements to worker health and safety and the implementation of the related rule (10 CFR 851). For example, based on independent oversight assessments and operating experience, as well as program office and field input, the new office will work with line managers to provide greater assurance that management systems adequately identify and analyze hazards and provide appropriate controls to protect the health and safety of workers. In doing so, it will examine the specific types of problems that are being experienced (e.g., electrical and construction events) and recommend specific solutions (e.g., new methods, tools, guides). The new office will provide technical assistance to integrate safety and security design considerations early in the construction process. The new office will focus on solving the systemic causes of deficient performance to reduce and prevent events. Another focus of the improvements will be to perform better analysis of data and use the analysis more effectively to drive improvements in areas of weaknesses or in response to adverse trends. The new office will combine all of the health and safety analysis efforts and Department-wide programs into a single office that will be accountable for performing analysis of operating experience and assessment of data to identify problem areas and provide a foundation for line management to implement Department-wide solutions. The new office will combine the efforts of policy, technical assistance, analysis, and training to work to provide line organizations better tools and guidance in these areas. Feedback from independent oversight appraisals, external sources, and other stakeholders will be utilized to make further improvements as needed.

Enhance Federal expertise and training, particularly in the area of line management oversight of field operations and applying resources more effectively: Raising the skill level of the Department environment, safety, and health line management oversight personnel is a recognized need. The new office will have a unique opportunity to ensure that DOE technical resources work with the National Training Center to improve and maintain Federal expertise and skill levels, particularly as applied to line management oversight and issues management skills. There is a need for clear and improved standards for Federal personnel conducting oversight. The current standards are focused on furthering technical education; however, there is a need to emphasize the skills needed to perform effective line management oversight as well.

More broadly, DOE as a whole needs to more effectively apply existing resources given that there are a limited number of DOE personnel who have both the technical expertise and training to

conduct effective oversight activities. Through enhanced training, those individuals having the responsibility to perform oversight can be better utilized to perform more effective line management oversight. DOE also needs to streamline line management oversight activities to eliminate overly redundant and non-value added oversight.

Improve issues management to provide a foundation for continuous improvement and preventing recurrences of events: Issues management is an important element of continuous improvement programs and encompasses such processes as corrective action management, issue tracking and monitoring, and lessons learned dissemination and application. Issues management is recognized as an area of significant weakness across DOE organizations and sites. The Secretary recognizes that while deficiencies in DOE safety programs have often been identified, they are not always adequately corrected. Improvements in issues management represent one of DOE's greatest opportunities to enhance health and safety programs across DOE. An effective issues management program has the potential to reduce the number of accidents and events at DOE sites and to ensure that management expectations for important new requirements and initiatives are effectively communicated, understood, implemented, and verified to meet expectations.

The new office will focus on addressing the current weaknesses, their underlying causes, and the gaps in the current initiatives. There are many Department-wide and site-specific actions that need to be taken to improve issues management in field elements and contractor programs. The new office leadership will place a high priority on facilitating a change in culture and in promoting a work environment that values the identification of safety issues by all employees and where management is responsive in determining the causes of those issues and ensuring effective resolution through corrective actions and feedback and improvement mechanisms.

Improve worker health, safety, and security interface to help solve the major security challenges and meet the DOE mission: The Department faces some operational and security challenges that cannot be addressed effectively unless the health, safety, and security organizations are fully engaged as part of a cooperative effort led by Headquarters. These include the new Design Basis Threat (and the associated need to deploy new security technologies to control costs), and the implementation of the elite force concept. One advantage of the integrated safety and security organization is an improved ability to address the significant challenges in the security arena using a cooperative and integrated approach. As one example, worker health and safety expertise will be essential to ensuring that risks are understood and carefully evaluated as the Department evaluates new security technologies for use, such as remote operated weapons and carbon dioxide deterrents in vaults. As another example, the elite force initiative will mean more intensive security training, which will inevitably imply an increase in the potential for training-related injuries (e.g., twisted ankles, muscle fatigue). Working together, the Office of Health, Safety, and Security will evaluate and implement the best strategies to minimize such injuries.

Implement a risk management approach that evaluates worker health, safety, security, and program risks: The new office will work with line management toward an integrated risk management approach that better balances security risks with health and safety risks; and worker health, safety, and security risks against the importance of the operational / production mission. While not a simple task, this will be more achievable if all organizations work together through one DOE worker health, safety, and security organization. This effort will result in improved processes to determine risk and the application of those risk processes so that line managers can better prioritize resources to address those risks.

IV. Vision Statement for the Office of Health, Safety and Security

The Office of Health, Safety and Security provides the corporate-level leadership and strategic vision necessary to better coordinate and integrate health, safety, environment, security, enforcement, and independent oversight programs at the Department of energy. Working in partnership with the Department of Energy's safety and security communities in the program offices and at the field sites, as well as with the Department's workers and stakeholders, we are committed to continuous innovation and to working together. We empower our people and our organization with the skills and tools necessary for the improvement of health, safety, environment, and security. We are committed to excellence.

V. Organization Description

The new office will integrate certain functions within the existing EH, SSA, and DR offices to ensure clarity of health, safety, and security responsibilities and accountability while transferring some current functions that more appropriately belong with line management, such as the management of laboratory operations, or with other programs. The integration of DR into the new office will promote increased coordination and effectiveness within the Department in addressing DNFSB safety concerns and issues. Additionally, the new office will perform independent oversight and enforcement of worker health, safety, and security to provide senior DOE management with an independent perspective about the effectiveness of DOE worker health, safety, environmental, and security policies and programs and to ensure that oversight and enforcement results are optimally used to make improvements in related policies and programs across DOE. The result will increase health, safety and security program effectiveness by clarifying responsibilities, enhancing accountability, and creating an environment more suited to addressing Department-wide issues.

All current health, safety, environment, and security functions will continue to be implemented by the Department and new initiatives (e.g., the worker health and safety rule) will be implemented in accordance with existing schedules without delay. Existing resources and staff will follow their function. It is important to recognize that all funding is determined through the Congressional appropriation process. The creation of the Office of Health, Safety and Security and the movement of certain functions to other DOE offices do not change these appropriations. Funding for these functions will be executed consistent with the President's FY 2007 request and amounts appropriated by the Congress. The Department recognizes that health, safety, and security are all vitally important functions; having a significant potential impact on the worker, the public, the environment and national security. The new office will be focused on health, safety, and security issues, with no one area dominating the focus of the office leadership at the expense of another. This can best be illustrated by the organization chart for the new office (see attachment 1) where approximately 45% of the organization is primarily aligned to health and safety functions and 45% to security functions and 10% to other support activities.

The Office of Health, Safety and Security will provide the Secretary, Deputy Secretary, and the Under Secretaries together with other senior Departmental management, with periodic analyses assessing line management effectiveness of worker health, safety, and security performance. These analyses will be based on an integrated assessment of health, safety, security, and environmental programs using performance data as well as independent oversight assessments and enforcement actions. The new office will support the program offices and field elements in

their efforts to implement effective health and safety programs. Input from workers and stakeholders is a crucial element of implementing effective worker health and safety policy. Therefore, the office will identify Department-wide deficiencies and work to address those deficiencies using cooperative and integrated approaches that involve the policy, assistance, analysis, independent oversight, and enforcement functions. Such integrated approaches have proven to be very successful within the security community and are being used to address high priority initiatives such as the application of new security technologies in the implementation of the new Design Basis Threat policy. Similar approaches will be used in the safety arena to identify and address recurring problems.

VI. Organizational Structure and Functions

The Chief Health, Safety and Security Officer will provide the overall management, leadership, and direction to the new office. This new position will report directly to the Office of the Secretary / Deputy Secretary and signifies the importance of health, safety, environment, and security policy, assistance, analysis, training, oversight, and enforcement functions in the Department. The Chief Health, Safety and Security Officer will be a career professional responsible for ensuring continuity, stability, and extensive knowledge of worker health, safety, environmental, and security programs and cross-cutting issues within the Department. This position will be accountable to the senior leadership of the Department and to the Congressional committees having oversight or authority of the Department for safety and security commitments.

The Deputy Chief for Operations and Deputy Chief for Technical Matters positions will report to the Chief Health, Safety and Security Officer on worker health, safety, and security performance. The Deputy Chief for Operations will provide operational direction to the new office. The Deputy Chief for Technical Matters will be responsible for providing technical direction and strategic planning related to worker health and safety, environment, and security related issues.

To address all related worker health, safety, environmental, and security issues, the Chief Health, Safety and Security Officer will establish an office that promotes a strong linkage and partnership between policy, technical assistance, analysis, oversight and enforcement, and line management, workers, and other stakeholders.

Functions that the Office of Health, Safety and Security will perform include:

- Department-wide safety policy functions including developing and maintaining Department-wide safety rules, policies, and directives (including environmental and nuclear safety policies) and policy assistance and interpretation
- Department-wide security policy functions including developing and maintaining Department-wide security rules, policies, and directives and policy assistance and interpretation
- Provide technical assistance to program offices and field elements on complex safety and security problems and interfaces
- Manage Department-wide and cross-cutting safety and security programs and maintain information and reporting systems (ORPS, CAIRS, SSIMS, NMMSS, LANMAS, ITAC, lessons learned, DOECAP, epidemiological and radiological reporting data bases, etc.)
- Manage the analysis of complex-wide data to identify trends and cross-cutting issues
- Manage safety-related quality assurance programs such as Behavior Based Safety, Accident Investigation Program, Corrective Action Management Program, Laboratory Accreditation

Program, Voluntary Protection Program, safety-related quality assurance requirements, and software quality assurance issues

- Manage the international and domestic health programs to include the current and former worker health surveillance and study efforts and support implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA)
- Conduct independent oversight of security; cyber security; emergency management; and environment, safety, and health programs
- Manage enforcement programs in safety and security
- Serve as principal liaison with the DNFSB
- Support safety and security training through management of the National Training Center, the DOE Center of Excellence for safety and security training and professional development
- Perform various operational aspects of security which are not inherently program office responsibilities (e.g., classification, personnel security, headquarters security force, executive protection)
- Provides recommendations to the Under Secretaries regarding requests for variances to worker safety and health requirements in accordance with 10 CFR 851
- Provides concurrence in alternative methods other than the safe harbor methodologies in Table 2 to Appendix A of 10 CFR 830 for implementation of the nuclear safety regulation
- Approve in coordination with appropriate PSO planned special exposures in accordance with 10 CFR 835.204
- Approve alternative individual dosimetry monitoring in accordance with 10 CFR 835.402
- Approve, if warranted, specific exceptions to Order 5400.5, pursuant to provisions in Order 5400.1 and Order 5480.2A
- Serves as the appointing Official for Type A Accident Investigation Boards and grants waivers of the requirement to conduct Type A or Type B accident investigations
- If requested by the Secretary, concur in the final decision to startup or restart a nuclear facility
- Serves as the Department's Agency Environmental Executive in accordance with Section 301.d of Executive Order 13101 and 13148

The organizational chart for the new Office of Health, Safety and Security is presented in Attachment 1. A cross-walk of the high-level functions previously performed by EH and SSA to where those functions reside following the creation of the new Office is presented in Attachments 2 and 3. It should be noted that no existing function in either EH or SSA will be eliminated but will be appropriately realigned as described in this plan. The realigned organizational elements and a brief summary of their roles are as follows:

- The **Office of Health and Safety** will focus on maintaining and improving worker health and safety policies and assisting line management in interpreting policies and implementing worker health and safety programs. This office will help address Department-wide safety issues that impact multiple DOE sites and that would benefit from a Department-wide approach to resolution. This Office will have four subordinate offices. One office will focus on worker safety and health policy development, maintenance, and interpretation. A second office will focus on technical assistance and issues management, to include implementation of the Voluntary Protection Program, and will be the focal point for interface with the line management program offices, field elements, and stakeholders. The third office will manage studies that evaluate domestic health effects to include health surveillance, screening, and studies. Domestic health studies, surveillance, and screening will examine current and former worker health and health effects and ensure this information is used to protect workers and the public and to continuously improve worker health and safety policies. This office will

also support the Department of Labor in the implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The fourth office will examine the effects to populations from U.S. nuclear weapons testing or accidents and operations involving radiological materials and other international health studies. These offices will work together with a major focus on helping the program offices and field elements solve problems and improve safety programs and performance. The combination of these functions into a single office with a primary mission of worker health and safety policy and technical assistance will enable the Office of Health, Safety and Security to focus on helping the program offices and field elements to solve the highest priority health and safety issues and to direct DOE support resources to where they are most needed.

- The **Office of Nuclear Safety and Environment** will focus on maintaining and improving nuclear safety and environmental policies and assisting line management in interpreting those policies and implementing safety programs. This office will help address environmental and nuclear safety issues that impact multiple DOE sites and that would benefit from a Department-wide approach to resolution. This Office will have two subordinate offices. One office will focus on policy development, maintenance, and interpretation with a second office focusing on technical assistance and issues management, and will be the focal point for assisting line management program offices, field elements, and stakeholders. These offices will work together with a major focus on helping the program offices and field elements to solve problems and improve nuclear safety and environmental programs and performance. These offices will also work very closely with the corresponding offices of Health and Safety to ensure an effective approach to policy development and technical assistance for all health, safety, and environmental programs.
- The **Office of Corporate Safety Analysis** will perform required reporting and regulatory coordination, manage certain Department-wide programs (such as safety-related quality assurance programs) and perform analysis of data and trends for the Department. This Office will have two subordinate offices. One office will focus on Department-wide safety programs and processes to include: Accident Investigation Program, Behavior Based Safety, Human Performance Initiative, Corrective Action Management Program, DOE Laboratory Accreditation Program, Analytical Services Program (DOE Consolidated Audit Program), and safety-related corporate quality assurance programs (e.g., suspect counterfeit items program, software quality assurance registry, HEPA Filter Test Facility). These and other Department-wide worker health and safety functions that serve across organizational lines and provide value to management and the worker will be continued. Interfaces will be established between safety-related quality assurance and non-safety-related quality assurance to ensure the quality assurance process is applied across all functional areas, in addition to safety. The second office will focus on analyzing information to identify trends and problem areas and providing information to other elements within the Office of Health, Safety and Security and line management that will help to focus resources and solve problems.
- The **Office of Enforcement** will have responsibility for investigating and initiating Price Anderson Amendment Act enforcement actions related to violations of 10 CFR 820, 830, 835, and 851 (the worker safety rule). To ensure a coordinated and consistent approach to enforcement, this office will also include the security enforcement function and related civil penalties for security violations specified in 10 CFR 824. This change will enable the relatively new security civil penalties function to benefit from the experience of the mature nuclear safety enforcement function and will ensure a consistent and coordinated approach to enforcement as applied across the Department.

- The **Department Representative** (DR) to the Defense Nuclear Facilities Safety Board (DNFSB) will be a direct report to the Chief Health, Safety and Security Officer. DR will work more closely with other safety offices and with line management to provide a formal infrastructure for and appropriate expertise to support the resolution of cross-cutting nuclear safety issues. DR will place more emphasis on ensuring a systematic analysis of DNFSB recommendations and interactions; ensure that DOE implementation plans for DNFSB recommendations are coordinated, comprehensive, and reflect DOE priorities; and represent the DOE position to the DNFSB. DR will also continue to facilitate the coordination of the Facility Safety Representative Program.
- The **National Training Center** (NTC) will be the unified center for DOE training support in the safety and security areas. The NTC will assume some of the functions previously performed by EH elements to ensure a consistent and coordinated approach to training support activities. NTC will work closely with all safety and security elements within the Office of Health, Safety and Security and will be better aligned to draw on the new office's safety personnel to assist in the training efforts. For example, the NTC will work with the Accident Investigation Program, within the Office of Health, Safety and Security, to maintain the training for accident investigation chairpersons, investigators, and board members. The NTC will coordinate the Federal Technical Capabilities Program, the Technical Qualification Program, Nuclear Executive Leadership Training, and Human Performance Improvement training activities at the corporate level for the Department.
- The **Office of Independent Oversight** will provide an independent assessment of the effectiveness of policies and programs in safeguards and security; cyber security; emergency management; environment, safety and health; and other critical functions of immediate interest to the senior management of the Department. The new office will improve the communication and coordination between oversight and ES&H policy and technical assistance that will facilitate communication and be more responsive to the needs of the program offices and field organizations.
- The **Office of Security Policy** will develop and maintain safeguards and security policy for the protection of the National Security and other critical assets entrusted to the Department. The creation of the Office of Health, Safety and Security will promote a closer working relationship between security policy and ES&H policy and technical assistance. Security policy development will be better positioned to address ES&H concerns that relate to security programs and policies. The Office also manages DOE-wide activities for foreign national visits and assignments and determinations of foreign ownership, control, or influence (FOCI).
- The **Office of Security Technology and Assistance** will assist in protecting the Department's critical assets and national security by providing security expertise to assist field elements in planning site protection strategies and by coordinating with domestic authorities to provide safeguards and security technical assistance, technical systems support, and new technology development and deployment opportunities.
- The **Office of Classification** will develop and interpret Government-wide and Department-wide policies, procedures and guidance, perform document reviews, and conduct training to ensure the accurate identification of information and documents that must be classified or controlled under statute or Executive Order. These functions are designed to protect National Security, controlled unclassified information (e.g., Official Use Only) and Unclassified Controlled Nuclear Information for the effective operation of the Government.

- The **Office of Resource Management** will provide infrastructure support and administrative functions (e.g., financial support, information management, human resources) previously performed by the EH Office of Planning and Administration and the SSA Office of Resource Management. This Office will perform the human resources, financial management, and information management functions for the new office. Combining similar functions will ensure coordination and result in efficiencies.

The **Office of Security Operations** will be part of the new office even though it is primarily an operational element. While it is unusual for a policy office to manage an operational element, the unique nature of this office, which currently resides within SSA, requires a continuity of existing operations and organizational structure. This office will also provide an opportunity to evaluate policy as it is being implemented. The **Office of Security Operations** will protect personnel, facilities, property, classified information, and controlled unclassified information in DOE Headquarters under all conditions; manage access authorization functions; and ensure that executives and dignitaries are fully protected.

EH and SSA Functions that Transfer to Other Organizations: The analysis of EH and SSA functions identified a number of functions that should be transferred to other organizations because they are either line management responsibilities (such as laboratory operations) or would function better through a more appropriate alignment in a different office.

The EH and SSA functions that will be transferred to other offices include:

- Non-safety-related quality assurance program elements. This function will be transferred to the Office of Management (MA) because many aspects of quality assurance are related to product quality not safety. The Office of Health, Safety and Security will retain the quality assurance aspects that relate to safety. Interfaces will be established between safety-related quality assurance and non-safety-related quality assurance to ensure the quality assurance process is applied appropriately across all functional areas, in addition to safety. This will increase the focus on quality assurance across the entire Department, not just in safety areas but in all areas to ensure that product specifications are consistently met.
- Nuclear safety research coordination. This function, to coordinate and consolidate research activities associated with nuclear operations within the Department, will be transferred to NNSA to capitalize on NNSA's work on the research mission and the work of the NNSA national laboratories.
- Technical reviews of authorization bases documents. The support for these reviews is more properly a line management responsibility. The function, and personnel who perform the function, will be transferred to the NNSA's and the Under Secretary of Energy's Central Technical Authorities.
- Support for safety regulation expectations of newly constructed facilities and new start projects. This function is more properly a line management responsibility. The function, and personnel who perform the function, will be transferred to the NNSA and the Under Secretary of Energy. Nonetheless, these functions will be enhanced by the assistance they will receive from the Office of Health, Safety and Security.

- Radiological and Environmental Science Laboratory (RESL). RESL, located at Idaho National Laboratory (INL), will be transferred to the Office of Nuclear Energy to complement their work with the nuclear research mission and because they have the resources to manage facilities at INL.
- New Brunswick Laboratory (NBL). NBL, located at Argonne National Laboratory (ANL), has the primary mission of research and development of nuclear material measurement standards. This function will transfer to the Office of Science to capitalize on that Office's research mission and its resources in managing facilities at ANL.
- National Environmental Policy Act (NEPA) Program. The NEPA program staff is responsible for ensuring the Department's proposed actions comply with the requirements of NEPA and related environmental requirements. This function (currently implemented by the Office of NEPA Policy and Compliance) will be assigned to the Office of the General Counsel (GC) because it complements the functions of GC in ensuring that the Department's activities comply with applicable legal requirements including NEPA and other environmental laws. NEPA is a statute designed to ensure that environmental consequences of proposed actions are taken into account before an agency makes a decision whether to proceed with that action. The Office of NEPA Policy and Compliance assists program offices in conducting their NEPA analyses and preparing NEPA-related documents. GC already provides legal advice to all Departmental elements concerning NEPA compliance. By placing the Office of NEPA Policy and Compliance within GC, the Department will locate in one office both the legal and technical support personnel who will assist program offices in meeting their NEPA obligations. NEPA is a statute grounded on the belief that legally defensible decision-making, and environmentally sound decision-making, are one and the same. This change should enable the Department to further improve its NEPA documents and decision-making processes while maintaining the responsibility of the Under Secretaries and Assistant Secretaries with line management responsibility to ensure conformance of the Department's activities to environmental protection laws and principles.
- Resource Management Responsibilities. Some human resources, budget, procurement and information technology support staff will transition to MA. Due to efficiencies realized in forming the new office, the Office of Health, Safety and Security will not require all of the personnel who currently perform these functions. They will be utilized better by MA in fulfilling its Department-wide management function.
- Continuity of Government Program. This function will be transferred to the NNSA to ensure implementation of Departmental and regional Continuity of Government programs, missions and functions in coordination with the Department's Continuity of Operations program and emergency operations center, both currently managed by NNSA.
- Foreign travel and exchange visitor program. These functions will be transferred to MA because of their current Department-wide responsibilities for travel management which makes them better equipped to conduct the required reviews.

The transfer of certain functions to other DOE organizations will enable the Office of Health, Safety and Security to better focus on its mission and will promote overall efficiency of DOE through better alignment of functions with organizations that are best suited to perform them.

VII. Implementation Plan

DOE organizations (SSA, EH, program offices, and staff organizations) worked together to examine the previous EH and SSA functions and the personnel who perform those functions. Based on the analysis of functions and the alignment of those functions, the resources (people and expertise) needed to perform the functions in the new office were identified and a cross-walk of individuals from EH, SSA, and DR was developed. Additionally, based on the realignment of certain functions to other DOE organizations, a cross-walk was developed for those individuals who will transfer to other organizations. While it is not anticipated that the creation of the new Office of Health, Safety and Security will require many employees to change their current work location (e.g., from Germantown to Forrestal), there may be a few individuals that will need to change their work location to ensure they are properly integrated into their new organization. No employees will lose their jobs. DOE will meet all collective bargaining obligations in implementing the creation of the new office.

As required by law, funding for these programs will be executed consistent with the President's FY 2007 request and appropriations made by the Congress.

The formation of the new office will consist of a three-phased implementation approach. An Office of Health, Safety and Security Transition Team will be assembled to ensure that management expectations are reflected in the establishment, staffing, and operations of the new office and to ensure all existing functional responsibilities continue to be met. The transition team will be led by the Deputy Chief for Operations for the new office and include senior leadership of the new office.

Phase 1 – Immediate Actions: Certain actions are ongoing, such as initial communication with senior Congressional staff and Members of Congress, OMB and other stakeholders, and preliminary briefings for the staff who will transfer from EH, SSA, and DR to the new Office of Health, Safety and Security. Actions that will be completed within 30 days of the Secretary directing the creation of the new office will be focused on notification and coordination to ensure that interested parties are aware of the transition and its benefits. Actions in this phase include:

- The Department, led by senior staff members of the new Office, will hold “all hands” meetings to explain the new organization, management expectations, planned actions, and priorities to the staff (i.e., those who transfer from EH, SSA, and DR). HR will provide assistance and information as required.
- The Department will continue to communicate with OMB and Congress to ensure they are informed of the actions to form the new organization.
- The Department will coordinate with external organizations including non-Federal employees, labor unions, DNFSB, and other stakeholders to ensure they are informed of the details of the actions to form the new organization.
- In coordination with the Office of the General Counsel, the Department will analyze all rules, regulations, and orders to determine all changes that are necessary to reflect the new organization, e.g. any that specifically assign responsibility to the Assistant Secretary for Environment, Safety and Health. Since these reviews will be limited to determining if changes are needed due to any reorganization of the Department, the reviews will not delay the implementation of any rule, to include 10 CFR 851, the worker health and safety rule. The Department will take any necessary actions (e.g., rulemaking actions to change DOE regulations) to implement these changes. The Department notes that rules of agency organization and procedure are exempt from the requirement to provide prior notice and opportunity for public comment under the Administrative Procedure Act.

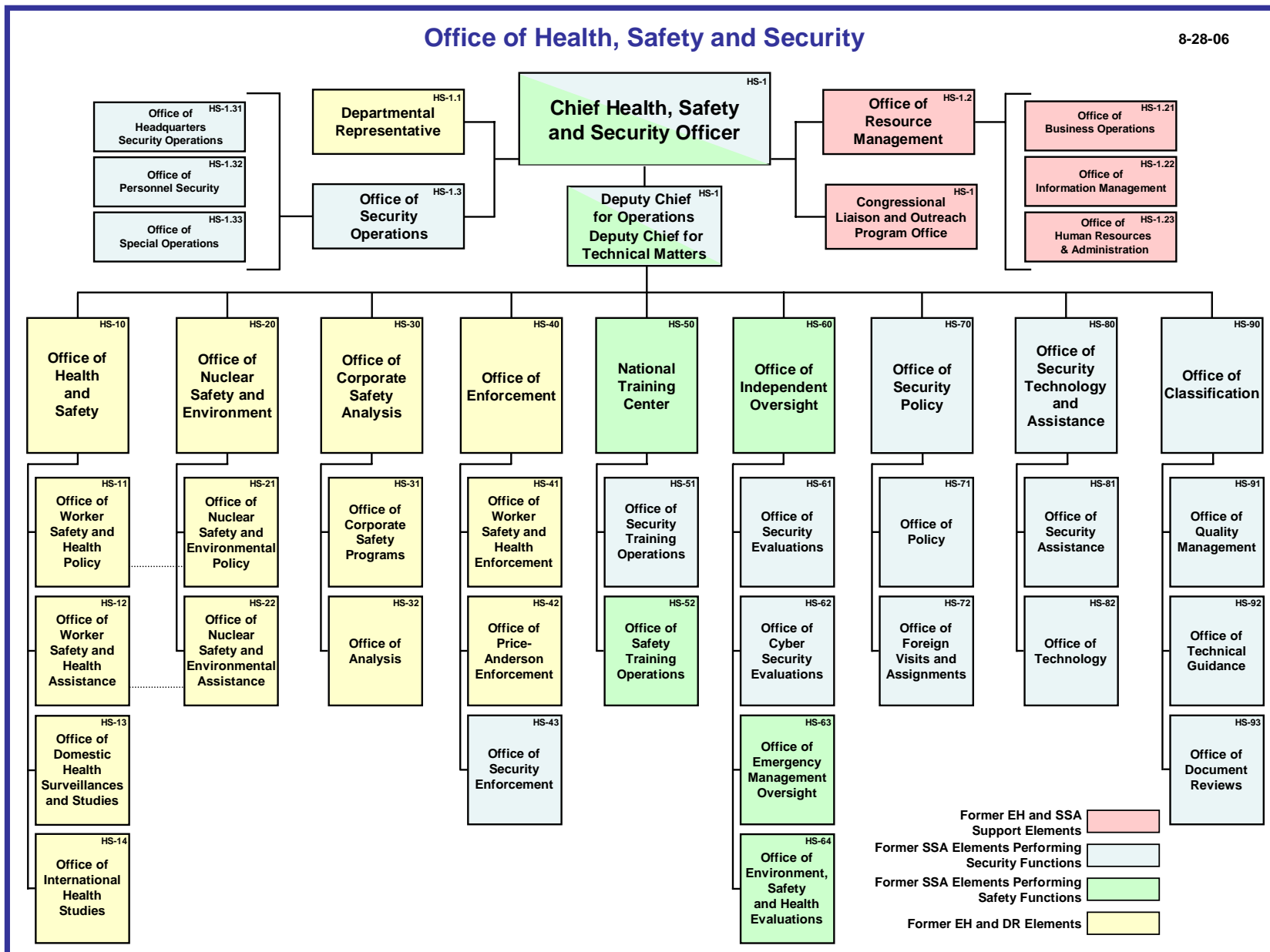
- The Department will analyze existing DOE directives (e.g., policy, orders) previously assigned to EH as the Office of Primary Interest to determine if the directive should reside in the new office; clarify where responsibility for interpretation and implementation guidance reside; and communicate the results of this analysis to all program offices and field elements to facilitate policy and technical assistance by the new office.

Phase 2 – Short-Term Actions: Actions taken within 90 days of approval will focus on refining, streamlining, and integrating the EH, SSA, and DR functions into the new office in an efficient manner that promotes employee ownership and buy-in and that considers the needs of interested parties, particularly the DOE program offices, field elements, and site contractors.

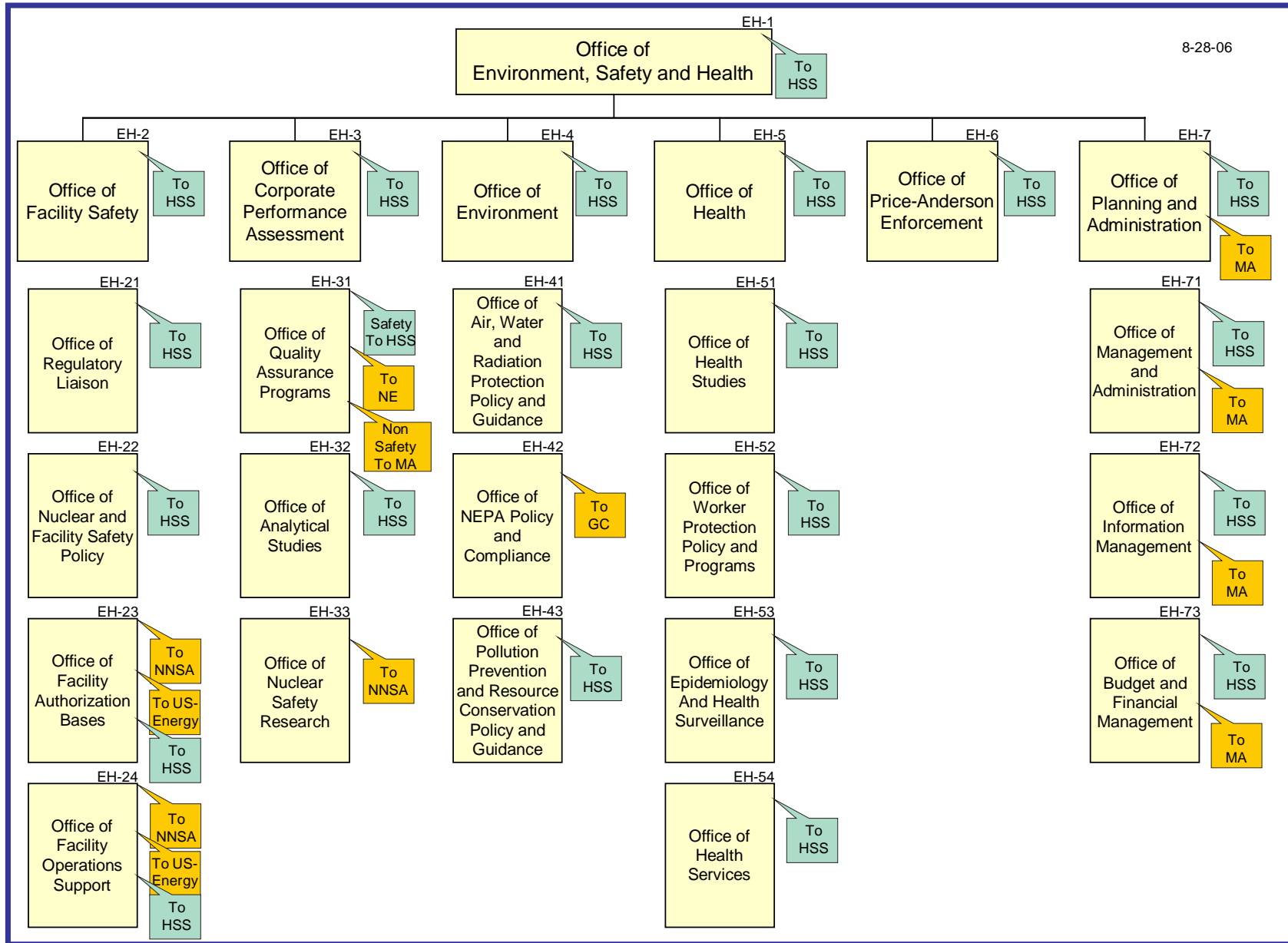
- Office of Health, Safety and Security leadership will conduct a series of field visits to seek site office, contractor, and labor union feedback, which will be used to refine the approach to safety policy, field support/assistance, and analysis.
- Office of Health, Safety and Security will lead an extensive effort to solicit feedback from staff members, DOE program offices, and DOE sites.
- Office of Health, Safety and Security leadership will coordinate with HR will take the necessary actions to make the corresponding personnel moves effective to include defining lower tiers of the new office and selecting individuals to fill the key management positions.
- Office of Health, Safety and Security leadership will continue to coordinate and lead communications with external and internal organizations.
- Office of Health, Safety and Security leadership will conduct a series of meetings with program office personnel to seek their perspectives on improvements that can be made in safety policy, programs, guidance, assistance, training, and other areas that fall within its safety responsibilities. Office personnel will also meet with other Headquarters organizations such as the Office of the General Counsel and the Office of Management (including organizational elements that have responsibility for managing directives and for aviation safety) to gain their perspective on improving health, safety, and security programs and strengthening the technical expertise of the professional workforce needed to accomplish these important functions.
- Based on discussions conducted, the immediate priority areas for improvement include:
 - enhancing worker health and safety guidance and assistance for line management to meet the requirements of 10 CFR 851,
 - strengthening the long-term relationship with the Department of Labor for the implementation of EEOICPA related activities,
 - improve the integration and analysis of health screening and surveillance results to identify improvements in worker protection methodologies,
 - strengthening work planning and control to ensure workers are adequately protected from hazards associated with DOE activities and operations,
 - enhancing safety culture through Human Performance Improvement,
 - strengthening the technical expertise and capabilities of field oversight personnel,
 - strengthening issues management at all levels (Department, Program Office, and field) to identify precursors and prevent recurrence of accidents and incidents, and
 - integration of safety into design of nuclear facilities.

Phase 3 – Implementation: Within one year of approval, the strategy for the new office will be fully implemented. The Office of Health, Safety and Security will focus primarily on identifying (based primarily on line management feedback) the highest priority safety issues and developing and implementing plans to address them. One of the first priorities of the new office will be a series of technical assistance visits; these visits will be performed based on senior management priorities and will focus on helping specific sites to develop solutions to safety problems.

Attachment 1 – Office of Health, Safety and Security



Attachment 2 – Cross-Walk of Current EH Functions



Attachment 3 – Cross-Walk of Current SSA Functions

