Price-Anderson Amendment Act (PAAA) Compliance Policy

BRIEF

Policy Summary

Berkeley Lab is required by the University of California-Department of Energy (UC-DOE) Prime Contract to conform to the enforcement process of the Price-Anderson Amendments Act (PAAA), which indemnifies DOE contractors and subcontractors under contracts that involve a risk of public liability for nuclear safety, security, or worker safety and health incidents/issues.

Berkeley Lab has established a PAAA compliance program to ensure prompt identification, reporting to DOE, and timely correction of noncompliances in order to mitigate civil or other penalties, and suspend the issuance of Notices of Violation for certain violations.

Who Should Read This Policy

- All levels of management, including the Laboratory Director, Deputy Director for Operations, General Counsel, associate laboratory directors, division directors, division deputies, and department heads
- Berkeley Lab employees responsible for identifying, investigating, evaluating, tracking, and trending noncompliances with DOE health, safety, and security regulations

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Assurance and Quality Program Manager
Office of Contractor Assurance

Safety Compliance Program Manager
Technical Support Services Group
EHS Division

POLICY

A. Purpose

This document describes the Lawrence Berkeley National Laboratory (Berkeley Lab) policy on compliance with the enforcement requirements of the Price-Anderson Amendments Act (PAAA).

B. Persons Affected

All persons who work at or visit Berkeley Lab
C. Exceptions

None

D. Policy Statement

Berkeley Lab has established and maintains a process to identify, evaluate, report, track, trend, and close noncompliances with Department of Energy (DOE) worker safety and health, nuclear safety, and security requirements in accordance with the PAAA and its primary implementing regulations.

The PAAA indemnifies DOE contractors and subcontractors under contracts that include a risk of public liability for a nuclear safety or worker safety and health incidents. This indemnification is a form of self-insurance for claims resulting from nuclear or worker safety and health incidents, and provides a structure that assures monies are readily available to remedy damage to the public that may occur as the result of such an incident.

Prompt identification, reporting, and timely correction of noncompliances may provide DOE with a basis to exercise discretion to mitigate civil or other penalties, and to suspend the issuance of Notices of Violation for certain violations.


E. Roles and Responsibilities

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<th>Role</th>
<th>Responsibility</th>
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<tr>
<td>Laboratory Director or Designee</td>
<td>Appoints Berkeley Lab PAAA enforcement coordinators</td>
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</table>
| Berkeley Lab General Counsel              | • Reviews Preliminary Notices of Violation (PNOVs) and their responses to make recommendations relative to any considerations to deny a PNOV, appeal a PNOV, or request that a Compliance Order be rescinded or modified  
• Prepares appeals to Final Notices of Violation (FNOVs) and Compliance Orders, as appropriate  
• Represents Berkeley Lab during an Enforcement Action |
| Director – Office of Institutional Assurance | Responsible for and oversees the PAAA Compliance Assurance Program           |
| Manager – Office of Contractor Assurance   | Provides management oversight of nuclear safety enforcement activities         |
| Deputy Division Director – EHS Technical Program Management | Provides management oversight of worker safety and health enforcement activities and classified information issues |
| PAAA Enforcement Coordinators             | • Oversee Berkeley Lab's compliance with PAAA 10 CFR 708, 10 CFR 830, 10 CFR 835, and/or 10 CFR 851 Rules  
• Are accountable to the Director of the Office of Institutional Assurance  
• Ensure that PAAA noncompliances, internally or externally reportable, are managed through resolution, and documented in the PAAA Noncompliance Tracking System (NTS) database  
• Maintain applicable documents and records  
• Provide technical guidance to line and cognizant management for PAAA noncompliances |
| Cognizant Managers                        | • Provide source documentation (e.g., assessment reports, Occurrence Reporting and Processing System [ORPS] reports, issues, and other pertinent data) to the enforcement coordinators for review  
• Provide information, as requested, to the enforcement coordinators for potentially reportable noncompliances  
• Provide support, as necessary, for causal analyses, to develop corrective actions, and to ensure effectiveness of corrective actions for noncompliances |
| Berkeley Lab Staff                        | Notifies cognizant management of potential issues or events                   |

F. Definitions/Acronyms

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
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<tr>
<td>Compliance Order</td>
<td>An order issued by the Secretary of Energy to a contractor that mandates a remedy, work stoppage, or other action to address a situation that violates, potentially violates, or is inconsistent with a requirement of a PAAA rule</td>
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<tr>
<td>Consent Order</td>
<td>Any written document, signed by the DOE Director of Enforcement and a contractor, containing stipulations or conclusions of fact or law and a remedy acceptable to both DOE and the contractor</td>
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</table>
Enforcement Action | The issuance of an Enforcement Letter, Consent Order, or a Preliminary Notice of Violation (PNOV) or Final Notice of Violation (FNOV) with or without a civil penalty
---|---
Exemptions | The final order that sets forth the relief, waiver, or release, either temporary or permanent, from a DOE nuclear safety requirement, as granted by the appropriate Secretarial Officer pursuant to the provisions of Subpart E of 10 CFR 820
Final Notice of Violation (FNOV) | A document that determines a contractor has violated or is continuing to violate a requirement of the PAAA Rules. The FNOV includes a statement specifying the requirement to which the violation relates; a concise statement of the basis for the determination; any remedy, including the amount of any civil penalty; and a statement explaining the reasoning behind any remedy.
Final Order | An order of the Secretary of Energy that represents final agency action and, where appropriate, imposes a remedy with which the recipient of the order must comply
Noncompliance | Failure to comply with an applicable DOE nuclear safety or worker safety and health requirement, the Contractor Assurance System Description, the Berkeley Lab Quality Assurance Program Description or the Worker Safety and Health Program, or the Berkeley Lab Radiation Protection Plan
Noncompliance Tracking System (NTS) | A centralized database maintained by DOE for reporting and tracking reportable PAAA noncompliances of nuclear safety requirements, allowing DOE contractors to take advantage of mitigation provisions in the enforcement policy
Preliminary Notice of Violation (PNOV) | A document that sets forth the preliminary conclusions that a contractor has violated or is continuing to violate a requirement of the PAAA, Nuclear Safety or Worker Safety and Health Rules. The PNOV specifies the requirement to which the violation relates; concisely states the basis for alleging the violation; describes any remedy, including the amount of any proposed civil penalty; and explains the reasoning behind any proposed remedy.
Price-Anderson Amendments Act (PAAA) | The federal law that authorizes DOE to establish an enforcement program subjecting DOE contractors, subcontractors, and suppliers to potential civil and criminal penalties for violation of DOE nuclear safety, worker safety and health, and classified information security rules, regulations, and compliance orders

G. Recordkeeping Requirements

Records generated as result of performance of this procedure are quality-assurance records and are maintained in accordance with Requirement s and Policies Manual (RPM) requirements. These records include, but are not limited to:

- Nuclear Safety Noncompliance Determination Screening Form
- Noncompliance Tracking System (NTS) Nuclear Safety Reportability Determination Forms
- Worker Safety and Health Noncompliance Determination Screening Forms
- PAAA Log

H. Implementing Documents

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<tr>
<th>Document Number</th>
<th>Description</th>
<th>Type</th>
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I. Contact Information

Assurance and Quality Program Manager  
Office of Contractor Assurance  

Safety Compliance Program Manager  
Technical Support Services Group  
EHS Division

J. Revision History

<table>
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<tr>
<th>Date</th>
<th>Revision</th>
<th>By whom</th>
<th>Revision Description</th>
<th>Section(s) affected</th>
<th>Change Type</th>
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Lawrence Berkeley National Laboratory. The official or current version is located in the online LBNL Requirements and Policies Manual. Printed or exported versions are not official. Users are responsible for working with the latest approved revision.
Title: Price-Anderson Amendments Act (PAAA) Compliance Policy

Document number: 04.02.004.000

Revision number: 0.1

Publication date: 3/8/2017

Effective date: 1/10/2013

Next review date: 1/10/2016

Policy Area: Contractor Assurance

RPM Section (home): Contractor Performance Management

RPM Section (cross-reference): ESH General Policy

Functional Division: EHS, OCA

Prior reference information (optional)

Source Requirements Documents

- Contract 31, Clause I.76 - DEAR 970.5203-1 Management Controls (Jun 2007) (deviation)
- 10 CFR 708, DOE Contractor Employee Protection Program
- 10 CFR 830, Nuclear Safety Management
- 10 CFR 835, Occupational Radiation Protection and
- 10 CFR 851, Worker Safety and Health Program

Other Driving Requirements

- 10 CFR 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations
- Issues Management policy, 04.02.003.000

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