

Subject: Price Anderson Amendments Act Noncompliance Determination & Reporting Process	Effective Date: March 31, 2000	Initiated by: Head, ES&H & Infrastructure Support Dept.
	NEW	Approved: Director

APPLICABILITY

This procedure applies to activities conducted at PPPL's C and/or D Sites, including those activities performed by PPPL employees, subcontractor, suppliers and visitors.

This procedure applies to DOE, PPPL employees and subcontractors working in, or associated with nuclear or radiological facilities or activities. It also applies to activities and systems whose failure could cause or exacerbate nuclear or radiological incidents.

INTRODUCTION

This procedure describes PPPL's Price-Anderson Amendments Act (PAA) Noncompliance Determination and Reporting Process. The PAA indemnifies Department of Energy (DOE) contractors, subcontractors and suppliers and subjects them to potential civil and criminal penalties for violations of DOE rules, regulations and compliance orders relating to nuclear safety requirements.

DOE's Enforcement Policy (10 CFR 820, Appendix A) sets forth DOE's strategy for ensuring contractor compliance with Nuclear Safety and Radiological Requirements. The cornerstone of this policy is voluntary compliance through contractor initiatives to effectively understand and implement Nuclear Safety and Radiological Requirements. Failures to comply with the nuclear safety requirements of 10 CFR 820, 830, and 835 as manifested in the DOE approved implementation plans or procedures, as appropriate, including milestones and compensatory measures are considered to be a PAA noncompliance.

Prompt contractor identification, reporting to DOE and correction of a nuclear safety or radiological noncompliance provides the DOE with the basis to exercise enforcement discretion to mitigate civil penalties and to suspend the issuance of Notices of Violations for certain violations.

REFERENCE DOCUMENTS

10 CFR 820, Appendix A	General Statement of Enforcement Policy
10 CFR 820.11	Information Requirements
10 CFR 835	Occupational Radiation Protection
10 CFR 708	Contractor Employee Protection
1085-95	DOE Handbook Enforcement Program
	PPPL Radiation Protection Plan
EQP-004	PPPL Quality Assurance Plan

DEFINITIONS

Noncompliance Tracking System (NTS) – DOE supported centralized data base utilized for reporting of significant events of a nuclear or radiological nature.

Price Anderson Amendment Act (PAA) – the statute, which indemnifies Department of Energy (DOE) contractors, subcontractors and suppliers and subjects them to potential civil and criminal penalties for violations of DOE rules, regulations and compliance orders relating to nuclear safety requirements.

PAA Coordinator - a trained and qualified individual who is responsible for implementation of PPPL's PAA Program.

PAA Review Team (PAART) - a team of key PPPL personnel responsible for determining, if issues, concerns, or as found states are potential PAA noncompliances.

PAA Review Committee (PAARC) - a PPPL committee, which includes resource members responsible for determining if potential PAA noncompliances are significant and therefore reportable via NTS.

Procedure**Screening Of Potential PAA Noncompliance****RESPONSIBILITY****ACTION**

- | | |
|----------------------|--|
| Cognizant Individual | 1. Refers potential nuclear or radiological safety events/ deficiencies/concerns (issues) including those arising from work performed by subcontractors to their supervisors. Refer radiological deficiencies to the Head, ES&H (per GEN-011). If the issue is raised during an audit, the auditor should report the issue to the Audit Manager. |
| Line Manager | 2. Develops and implements immediate compensatory measures including placing the facility in a safe, stable mode, as required. In addition, the Facility Manager shall be notified. |
| Facility Manager | 3. Notifies the PAA Coordinator of any incident, which may have nuclear or radiological implications. |
| PAA Coordinator | 4. Conducts a review of the identified concern and schedules a meeting of the PAART as soon as practicable. |
| PAA Review Team | 5. Reviews the information provided by the PAA Coordinator and determines if the issue is potentially a PAA noncompliance. If so, the noncompliance is referred to the PAARC for determination of the significance of the issue. |

- | | |
|-------------------|---|
| PAA Coordinator | 6. Scheduled and chairs PAARC meeting within five calendar days of the PAA determination. |
| Line Manager | 7. Ensures that personnel are available to support the PAARC evaluation. |
| PAARC | 8. Reviews the potential noncompliance using the guidance provided in Attachment 1. |
| PAA Coordinator | 9. Generates and maintains documentation of PAA Reviews. The proceedings shall be documented along with the basis for reportability and significance determinations. Copies of the proceedings shall be forwarded to the DOE/PG PAA counterpart. If the PAARC determines that the potential PAA is not significant enters the information into the internal Noncompliance Reporting Log. No further action is required. |
| Line Manager | 10. Develops an NTS report with the assistance of the PAA Coordinator. |
| Line Manager | 11. Develops a corrective action plan for resolution of the issue. The corrective action plan shall be forwarded to the PAA Coordinator for inclusion into the NTS Report. |
| PAA Coordinator | 12. Enters the report into the NTS within 20 days of determination of an incident or issue. |
| PAA Coordinator | 13. Ensures that NTS corrective action information is forwarded to QA for inclusion in the tracking system. |
| Quality Assurance | 14. Tracks the corrective action. |
| Line Manager | 15. Implements proposed corrective actions. |
| Line Manager | 16. Notifies the PAA Coordinator when corrective action is completed. The corrective action shall be reported to the Coordinator in sufficient time to effect a change to the NTS database. |
| PAA Coordinator | 17. Initiates changes or closures and updates the NTS, as appropriate. Informs QA of the status change to allow for the updating of the QA tracking system. |
| PAA Coordinator | 18. Distributes the NTS Reports as required. |

ATTACHMENTS

1. PAART Potential Noncompliance Review Guidance

PRICE-ANDERSON AMENDMENTS ACT POTENTIAL NONCOMPLIANCE

This review guidance is provided for the PAA Coordinator, PAART and PAARC for use when deciding if events, findings, etc. deviate from nuclear safety or radiological requirements for which PPPL has committed and may, therefore, constitute a potential PAA noncompliance.

STEP 1 - Initial Review by PAA Coordinator

The PAA Coordinator shall obtain a description of the event or issue from the Facility Manager (FM) or the responsible individual.

The PAA Coordinator shall determine if the deficiency being screened for potential noncompliance involves or relates to:

- A. A facility, activity, or operation that involves radioactive or nuclear materials in such form and quantity that a nuclear or radiological hazard exists to employees or the general public. For example, the potential exists for exposing employees or members of the public to radiation levels and/or radioactive material concentrations or quantities that exceed approved standards or requirements.
- B. PAA regulation, program, policy, procedure, service, process, or system necessary to maintain nuclear or radiological safety has been violated, or potentially violated.
- C. Systemic breakdowns have been detected in a system established, at least in part, to protect employees, the public, or the environment from radiological exposure.

NOTE: IF ALL ARE "NO" THIS ISSUE IS NOT A POTENTIAL PAA NONCOMPLIANCE. NO FURTHER ACTION IS REQUIRED. IF "YES", CONTINUE THE REVIEW AS DEFINED BELOW.

STEP 2 – Screening Review by PAART

A. An incident reportable to ORPS as an "unusual" occurrence and associated with one or more of the following:

- Fires/Explosions
- Safety Status Degradation
- Unreviewed Safety Questions/Unreviewed Safety Question Determinations
- Safety Authorization Reports/Basis for Interim Operations
- Loss of Control of Radioactive Material/Spread of Contamination
- Violation/inadequate Nuclear or Rad Safety Related Procedures
- Unsatisfactory Nuclear or Rad Safety Related Surveillance/inspections
- Radionuclide Releases

B. Does the deficiency /Noncompliance involve or relate to:

- Personnel Radiological Contamination?
- External or Internal Radiation Exposure?
- Deficiencies, nonconformances, inadequacies, etc. related to safety related hardware, i.e., defined Safety Class or Safety Significant Structures, Systems and Components, including problems related to design, procurement and inspection, and acceptance testing?
- Any missed commitment made in a DOE approved Radiation Protection or Quality Assurance Plan including milestones? (Note that this covers orders, requirements and any additional commitments adopted by PPPL.)
- An inadequate or deficient operator training (including employees and support subcontractors) which potentially impacts nuclear safety or has radiological implications?
- Overdue or inadequate corrective actions associated with known deficiencies having nuclear safety or radiological implications, or reported potential PAA non-compliance both minor and significant?
- Records management/document control deficiencies, including falsification of records, associated with identified DOE approved nuclear facility, or radiological training records, procedures, test records, etc.?
- Inadequate nuclear safety or radiological instructions/procedures or failure to follow nuclear safety or radiological instructions/procedures including intentional violations?
- Failures or deficiencies in management or independent assessment programs regarding compliance with applicable nuclear safety or radiological requirements?
- An incident related to ionizing radiation, including failure to abide by the Radiological Work Permit, contamination events or exposure events? Focus on the spread of contamination beyond posted areas. Threshold for dose limits, including doses resulting from skin/clothing contamination, is specified in 10-CFR-835.202.
- A negative trend? Trends shall be evaluated for possible programmatic deficiencies such as numbers of skin/clothing contamination, number and type of RWP violations, etc.
- A discrimination complaint raised to DOE under the "whistle-blower" rule, 10-CFR-708 that potentially raises a nuclear safety issue or interference with someone attempting to voice nuclear or radiological safety concerns?

NOTE: IF ONE OR MORE OF THE ABOVE IS MET, THE EVENT, AS FOUND STATE, OR CONCERN MAY BE A PAA VIOLATION REPORTABLE VIA NTS.

THE PAARC SHALL BE CONVENED TO DETERMINE REPORTABILITY.

STEP 3 – Reportability Decision by PAARC

This evaluation guidance provides additional information for use by PAARC in determining if the potential noncompliance is reportable to NTS or minor and shall be recorded in PPPL PAA record.

SIGNIFICANCE:

A. Does the deficiency being screened for noncompliance involve:

- failure to activate the site emergency plan as a result of the non-compliance?
- failure to complete a significant action as identified in the DOE approved Radiological Protection Plan or Quality Assurance Plan?
- events or conditions that have significant impact on nuclear or radiological safety?
- the same or similar potential PAA Noncompliance continued to occur, indicating the corrective action (including root cause determination) has been ineffective?
- several minor and related but not identical noncompliances occurred indicating a common breakdown in a program?
- a program required to be operational per the Radiological or Quality Plans?
- multiple control failures occurred indicating a common breakdown in a system, program, or area of a program?
- a significant breakdown in management processes or actions?

B. Misrepresentation/falsification

- Intentional misrepresentation or concealing of facts to avoid identification of occurrence as a nuclear safety noncompliance?
- Falsification of records or reports to avoid identification of the occurrence as a nuclear safety noncompliance?
- Intentional reporting of inaccurate or incomplete information?

NOTE: IF THE ANSWER TO ALL OF THE QUESTIONS IS "NO", THIS ISSUE SHOULD BE REPORTED AS AN INTERNAL NONCOMPLIANCE.

IF THE ANSWER TO ANY OF THE QUESTIONS IS "YES", THIS ISSUE SHOULD BE REPORTED AS AN NTS NONCOMPLIANCE.