Department of Energy

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MEMORANDUM FOR: DOE PAAA COORDINATORS
CONTRACTOR PAAA COORDINATORS

FROM: STEPHEN M. SOHINKI
DIRECTOR
OFFICE OF PRICE-ANDERSON ENFORCEMENT

SUBJECT: Enforcement Guidance Supplement 03-02:
Revision to Occurrence Report-Based Noncompliance Tracking System Reporting Criteria

Section 1.3 of the *Operational Procedures for Enforcement*, published in June 1998, provides the opportunity for the Office of Price-Anderson Enforcement (OE) to periodically issue clarifying guidance regarding the processes used in its enforcement activities. OE typically issues such guidance in the form of Enforcement Guidance Supplements (EGS), which provide information or recommendations only and impose no requirements or actions on Department of Energy (DOE) contractors.

This EGS provides revised reporting criteria for use by contractors in submitting voluntary noncompliance reports to the DOE Noncompliance Tracking System (NTS). Revisions to current NTS reporting criteria were prompted by recent significant revisions to the DOE Occurrence Reporting and Processing System (ORPS).

Background

The DOE Nuclear Safety Enforcement Policy (10 CFR 820 Appendix A) provides incentives for DOE contractors to identify and report nuclear safety noncompliances. The NTS, established at the onset of the Enforcement Program, serves as the formal system for reporting of significant nuclear safety noncompliances. Non-NTS reportable noncompliances are "reported" into contractor internal tracking systems for resolution.

To assist contractors in determining which noncompliances should be reported into the NTS, OE established formal reporting criteria that are contained in the OE *Operational Procedures*[1]. Table 3-1 of the *Operational Procedures* addresses reporting of programmatic, repetitive, and willful noncompliances. Table 3-2 of the *Operational Procedures* establishes criteria based on ORPS occurrence categories relating to nuclear safety for NTS reporting of event-related noncompliances.

[1] *Operational Procedures – Identifying, Reporting, and Tracking Nuclear Safety Noncompliances under Price-Anderson Amendments Act of 1988; June 1998*.

On August 19, 2003, DOE approved DOE Order 231.1A and DOE Manual 231.1-2, which provided significantly revised reporting criteria for use by contractors in submitting event reports to the ORPS. Transition to the new reporting software is to take place over an approximate 90 day period, with all sites using the revised criteria by November 30, 2003. In anticipation of the ORPS revisions, on August 5, 2003 OE issued for comment a draft revision to Table 3-2, which incorporated the planned revisions to the ORPS criteria. The attachment to this EGS contains the final revision to Table 3-2.

Basis/Clarifications

OE's review of the received comments and ongoing communications with contractor and DOE personnel within the PAAA community identified a need for additional clarification on the basis of the revisions and the objectives of Table 3-2. The following observations are provided:

- As emphasized in our August 5, 2003 transmittal for comment, the simple occurrence of an event in any of the listed categories is not enough to warrant NTS reporting. It is the identification of a nuclear safety noncompliance in association with the subject event that forms the basis for voluntary NTS reporting.

- Commenters noted that many of the ORPS criteria referenced in the table have been written to address both nuclear and non-nuclear impacts (i.e., "release of a hazardous substance, material, waste, or radionuclide..."). In light of the prior observation, OE is clearly interested only in those portions of the criteria with direct nuclear-safety implications, or in those in which programmatic noncompliances may ultimately affect nuclear safety.

- In developing the revised Table 3-2, OE strove for consistency with the overall level of reporting (and consequently the event types) used under the prior ORPS system. Comments were received suggesting additional event scenarios be added to the table; examples included events 2.B (2), 3.C (2), 4.B (3), 6.B (2), etc.

  For the present, and in order to meet the real-time need of the PAAA community, OE continues to adopt the consistency approach and the revised Table 3-2 has not been supplemented with additional events or categories (other than those specifically addressed below). OE will continue to monitor NTS reporting levels and trends, however, and will continue to consider future arguments for additional inclusions to the table.

- Comments were also received suggesting that PAAA noncompliances could be occurring in other ORPS categories not listed in the table (i.e., Subgroup C - Hazardous Energy Control; Group 10 - Management Concerns/Issues).

  Since the inception of NTS reporting and associated guidance, OE has considered the event criteria contained in Table 3-2 to be a guideline in defining or bracketing

what could be considered as "significant nuclear safety events;" these event criteria were not considered as all inclusive. The addition of fairly general ORPS Groups or Subgroups to Table 3-2 would be difficult and would require extensive supporting explanation. However, it should be emphasized that contractors identifying a significant nuclear safety noncompliance in association with an event type or category not listed on the table should evaluate the event for NTS reportability.

- The August 5, 2003 draft revision of Table 3-2 included a reporting criteria for "Recurring" ORPS reports. This inclusion prompted several comments concerning the use of Table 3-1, which includes criteria for reporting of repetitive events. To eliminate confusion, OE has chosen to delete the "Recurring" criteria from Table 3-2. Contractors should carefully evaluate any identified "Recurring" ORPS reports falling within the subject event categories, however, for potential reportability under the Table 3-1 repetitive noncompliance criteria.

- In response to comments, several changes were made to make the table more "user friendly." Significance categories for the specific events were deleted, as they provided no additional information for the purpose of NTS reporting. Short summary descriptions of the event type were also added to make the table more stand-alone; however users should refer to the entire event criteria in the ORPS Manual 231.1-2 when evaluating an event.

- The prior Table 3-2 did not explicitly flag reporting at the "Emergency" level of event; although it appeared generally well understood that reporting thresholds were established for "Unusual" or higher categories. For clarity, ORPS Group 1 - "Operational Emergencies" has been added to the revised Table 3-2. Contractors identifying a nuclear safety noncompliance in conjunction with any of the operational emergency categories should report it to the NTS.

- Commenters indicated our Notes 2 and 3 related to Group 3 Subgroup A were confusing and/or unnecessary considering the exceptions already identified in Manual 231.1-2. They have been deleted from the final table.

Additional guidance on identification and reporting of noncompliances is contained in the previously cited OE *Operational Procedures.*

Implementation

In recognition of the phased transition period associated with implementation of the new ORPS software, OE has chosen not to establish a specific date for implementation of the revised Table 3-2. Instead, contractors should transition to the new Table 3-2 on the same day they transition to the new ORPS reporting software. Table 3-1 of the *Operational Procedures* remains unchanged and should continue to be consulted as a guide for reporting programmatic, repetitive and willful nuclear safety noncompliances.

Questions regarding this EGS can be directed to me or to Tony Weadock of my staff at (301) 903-4283. As applicable, Enforcement Guidance Supplements will be incorporated in later revisions of the DOE Enforcement Handbook and will be made available on the OE web page (http://tis.eh.doe.gov/enforce/).

Table 3-2: Noncompliances Associated with DOE Manual 231.1-2 Occurrences

REPORTING CRITERIA GROUP	SUBGROUP	OCCURRENCE CATEGORY AND SUMMARY DESCRIPTION[1]
1. Operational Emergencies[2]	N/A	(1) Operational Emergency (2) Alert (3) Site Area Emergency (4) General Emergency
2. Personnel Safety and Health	B. Fires/Explosions	(1) Unplanned fire/explosion
3. Nuclear Safety Basis	A. TSR Violations	(1) Violation of TSR/OSR Safety Limit (2) Violation of other TSR/OSR reqmt (3) Violation of DSA hazard control
	B. DSA Inadequacies	(1) Positive USQ
	C. Nuclear Criticality Safety	(1) Loss of all valid criticality controls
4. Facility Status	A. Safety Structure/System/ Component Degradation	(1) SSC performance degradation[3]
	B. Operations	(2) Actuation of Safety Class SSC (4) Facility evacuation
5. Environmental	A. Releases	(1) Radionuclide release
6. Contamination/ Radiation Control	A. Loss of Control of Radioactive Materials (RAM)	(1) Offsite RAM exceeding DOE limits (2) Loss of RAM (>100X 835 App. E)
	B. Spread of Radioactive Contamination	(1) Offsite radioactive contamination[4]
	C. Radiation Exposure	(1) Exceedance of DOE dose limits (2) Unmonitored exposure (3) Single exposure > thresholds
	D. Personnel Contamination	(1) Offsite medical assistance (2) Offsite personnel/clothing contamination (3) Onsite personnel/clothing contamination[5]
7. Nuclear Explosive Safety	N/A	(1) Damaged nuclear explosive (2) Introduction of electrical energy (3) Safety feature compromise (4) Inadvertent substitution (5) Violation of a safety rule (6) Damage to a training unit

Notes

1. These summary descriptions are a brief characterization of the related criteria. Use the full statement of the criteria contained in Manual 231.1-2 to establish NTS reportability of event-related nuclear safety noncompliances.

2. Report nuclear safety noncompliances associated with any of the M 231.1-2 Operational Emergency categories (Operational Emergency, Alert, Site Area Emergency, General Emergency).

3. Report noncompliances associated with a degradation of Safety Class Structure, System or Components preventing satisfactory performance of their design function when required to be operable or in operation.

4. Report noncompliances associated with offsite spread of contamination events where contamination levels exceed 100 times the applicable values identified in 10 CFR 835, App. D.

5. Report noncompliances associated with personnel/personal clothing contaminations where contamination levels exceed 100 times the applicable total contamination values identified in 10 CFR 835, App. D.