The Price-Anderson Amendments Act
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Training Objectives

Upon completion of this training, you will be able to:

• Explain the purpose and applicability of the Price-Anderson Amendments Act (PAAA) for the DOE and its contractors.
• Describe the requirements for implementing the PAAA.
• Describe the steps in the PAAA reporting process.
• Identify ways to prevent PAAA potential noncompliance problems.
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Topics

• Introduction
• Implementing PAAA
• Potential Noncompliance Reporting
• Preventing Potential Noncompliance Problems
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Introduction

• Background
• Purpose
• Applicability
• Underlying Principles
• Contractor Responsibilities
• How It Works
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Background

- Price-Anderson Act (1957)
  - Provided indemnification (insurance) of DOE contractors performing nuclear activities for the government
- Price-Anderson Amendments Act (PAAA, 1988)
  - Required development and enforcement of DOE nuclear safety rules
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Purpose

• Promotes protection of the environment, health, and safety of the public and workers
• Indemnifies (insures) DOE contractors against public liability due to a nuclear incident
• Establishes quality and nuclear safety requirements
• Provides DOE enforcement authority
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Applicability

• PAAA applies to contractors, subcontractors, and suppliers conducting activities that affect or may affect the safety of DOE nuclear facilities or activities.
• All work must be accomplished with established quality and Nuclear Safety requirements set out in the contracts.
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Applicability (continued)

- Nuclear facilities* and activities (includes radiological)
- Work in support of those facilities and activities

* Any where work is carved out in support of nuclear activities
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Applicability (continued)

- Activities that can cause or contribute to nuclear or radiological incidents, or could result in potential for radiological harm.

- A nuclear facility does not necessarily mean a building, a room, or structure. It is any where work is carried out that involves nuclear material or components.
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Underlying Principles

- Compliance and safety is a contractor responsibility.
- Participation in the self-reporting process is voluntary and through contractor initiative.
- The American public expects that work carried out on their behalf will be done correctly and safely.
- By establishing strong quality and Nuclear Safety programs everyone benefits!

We measure up!
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Contractor Responsibilities

- Understand and implement nuclear safety requirements
- Critically self-assess activities
- Promptly identify, report, and correct noncompliances
- Conduct work activities in compliance with applicable procedures
- Assure the subcontractors performance meets requirements
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How It Works

• The DOE PAAA Program
  – Provides positive incentives for prompt identification, reporting and comprehensive corrective action
  – Establishes a series of enforcement tools including Notices of Violation and civil penalties for violations
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How It Works

- Implementation is through in-place programs and processes
  - Quality Assurance (QA)
  - Integrated Safety Management (ISM) programs
  - Radcon Program
  - Safety Basis Requirements
    - These requirements are derived from pre-existing DOE Orders
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Check Your Understanding

- What is the purpose of DOE’s PAAA Program?
- What are DOE’s responsibilities under the PAAA?
- To what kind of work does the PAAA apply?
- To whom does the PAAA apply?
- What are the contractor’s responsibilities under the PAAA?
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How Did You Do?

- PAAA’s purpose is to promote the protection of the environment, health, and safety of the public and workers.
- DOE’s PAAA responsibilities are to
  - Indemnify DOE contractors against public liability due to a nuclear incident
  - Establish nuclear safety requirements
  - Provide DOE enforcement authority
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How Did You Do?

• PAAA applies to work involving
  - Nuclear facilities and activities (includes radiological)
  - Support of those facilities
  - Activities that can cause or contribute to nuclear or radiological incidents, or could result in potential for radiological harm
  - Activities that have no nuclear inventory but can contribute to nuclear or radiological incidents, or could result in potential for radiological harm.
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How Did You Do?

- PAAA applies to contractors, subcontractors, and suppliers conducting activities that affect or may affect the safety of DOE nuclear facilities or activities.
- All are responsible for
  - Understanding and implementing nuclear safety requirements
  - Critically self-assessing activities
  - Promptly identifying, reporting, and correcting noncompliances
  - Conduct work activities in compliance with applicable procedures
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Implementing PAAA

- Key Roles and Responsibilities
- Rules and Regulations
- Potential Noncompliance
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Key Roles and Responsibilities

• Line management is responsible for implementing and assuring compliance with Nuclear Safety requirements.

• DOE and Contractor PAAA Coordinators provide support to line management in identifying, reporting, and resolving potential noncompliances.
Key Roles and Responsibilities (continued)

- The DOE Office of Enforcement (OE) reviews potential noncompliances and investigates those of significance from the large number of reports entered by contractors into the Noncompliance Tracking System.
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Noncompliance Tracking System (NTS)

- The Office of Enforcement relies on its DOE and Contractor PAAA Coordinators in ensuring that significant noncompliances are reported to the NTS.
- The Office of Enforcement reviews each site’s reports periodically
  - They are looking for trends both at the site and throughout the complex
  - If a single noncompliance or trend stands out they may request further information
  - The number of noncompliance reports far out weighs the number which are formally investigated by the Office of Enforcement
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Rules and Regulations

• Implementing DOE rules
  – 10 CFR Part 708 (DOE Contractor Employee Protection Program [Whistleblower])
  – 10 CFR Part 820 (Procedural Rules for DOE Nuclear Activities)
  – 10 CFR Part 830 (Nuclear Safety Management)
    ➢ Subpart A Quality Assurance.
    ➢ Subpart B Safety Basis
  – 10 CFR Part 835 (Occupational Radiation Protection)
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Potential Noncompliance

- Noncompliance means an issued rule or required implementing procedure is not met, including failure to
  - Adequately develop programs, plans, or procedures to implement a requirement
  - Follow programs, plans or procedures
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Potential Noncompliance

• Examples
  – Disregarding radiological postings
  – Failing to
    ➢ Properly document, use, and implement technical work documents
    ➢ Conduct work activities according to procedures and work controls
    ➢ Follow procedures for selecting a supplier for safety related items
    ➢ Control radiological material
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Potential Noncompliance

- Primary responsibility for identifying and correcting potential noncompliances belongs to DOE’s
  - Contractors
  - Subcontractors
  - Suppliers

Contractors are responsible for the PAAA actions of their subcontractors and suppliers
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Potential Noncompliance

• Sources for identification include
  – Worker Identified
  – Internal and External Assessments
  – Event-Related
  – Safety System Degradation
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Check Your Understanding

- Who has primary responsibility for implementing and assuring compliance with the PAAA?
- What is a noncompliance?
- Who has primary responsibility for identifying and correcting potential noncompliances?
- Name four sources for identifying noncompliances.
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How Did You Do?

• Line management has the primary responsibility for implementing and assuring compliance with PAAA.
• Noncompliance means an issued rule or required implementing procedure is not met.
• Primary responsibility for identifying and correcting noncompliances belongs to DOE’s contractors, subcontractors, and suppliers.
• Sources for identifying potential noncompliances are
  - Worker Identified
  - Internal and External Assessments
  - Event-Related
  - Safety System Degradation
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Potential Noncompliance Reporting

- NTS Reporting
- Local Reporting
- Preventing Price-Anderson Noncompliance Problems
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Potential Noncompliance Reporting

- Reporting to DOE
  - Is voluntary
  - May reduce civil penalties (fines)
- It is in both DOE’s interest and the contractor’s interest to identify Nuclear Safety Problems
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Potential Noncompliance Reporting

- Cooperation builds trust and commitment by both DOE and its contractors.
- Under PAAA the Office of Enforcement is given the authority to mitigate fines if there is full early disclosure.
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Potential Noncompliance Reporting

- DOE expects contractors to
  - Identify noncompliances in a timely manner
  - Promptly and thoroughly report noncompliances
  - Identify the causes
  - Work to prevent recurrence as part of correcting the noncompliance
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Potential Noncompliance Reporting

• DOE enforcement actions and penalties depend on
  – Safety significance
  – Contractor initiative in identification and reporting
  – Timeliness and effectiveness of corrective actions
Potential Noncompliance Reporting

- Potential noncompliances may be reported in two ways
  - Reporting to DOE’s Noncompliance Tracking System (NTS)
  - Reporting locally
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NTS Reporting

• Required reporting to DOE’s Noncompliance Tracking System (NTS) includes
  – Programmatic deficiencies
  – Significant events, including some Unusual Occurrences
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NTS Reporting

- *Programmatic deficiencies can be*
  - Repetitive
  - Programmatic
  - An intentional violation
  - A misrepresentation
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NTS Reporting

• *Unusual Occurrences* can be related to
  – Facility Condition
  – Environmental
  – Personnel Radiological Protection

• Certain levels of personnel contamination and radiation exposure should be considered for NTS reporting
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Local Reporting

- Locally reportable
  - Any noncompliance that does not meet the reporting criteria for NTS
  - Should be identified as PAAA applicable and be readily accessible
  - All locally reportable noncompliances should be reviewed periodically for potential programmatic issues
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Check Your Understanding

• What are DOE’s expectations for noncompliance reporting and correction?
• What are the factors that influence DOE decisions about enforcement actions?
• What are the two ways of reporting potential noncompliances?
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How Did You Do?

• DOE expects contractors to
  - Identify noncompliances in a timely manner
  - Promptly and thoroughly report noncompliances
  - Identify the causes
  - Work to prevent recurrence as part of correcting the noncompliance

• DOE enforcement actions and penalties depend on
  - Safety significance
  - Contractor initiative in identification and reporting
  - Timeliness and effectiveness of corrective actions

• Potential noncompliances are reported to the DOE (Noncompliance Tracking System) and locally
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Preventing Price-Anderson Noncompliance Problems

• Contractor employees can keep their company in compliance by
  – Understanding and implementing nuclear safety requirements
  – Critically self-assessing activities
  – Promptly identifying, reporting, and correcting potential noncompliances
  – Conducting work activities in compliance with applicable procedures
Preventing Price-Anderson Noncompliance Problems

- Examples
  - Following applicable procedures for
    - Work planning and control
    - Radiological posting
    - Procuring safety related items
  - Reporting potential nuclear safety deficiencies to a supervisor or PAAA Program Manager
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Check Your Understanding

• Name four ways to help prevent potential noncompliance problems.

• To whom should a potential nuclear safety deficiency be reported?
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How Did You Do?

• Contractor employees can keep their company in compliance by
  – Understanding and implementing nuclear safety requirements
  – Critically self-assessing activities
  – Promptly identifying, reporting, and correcting potential noncompliances
  – Conducting work activities in compliance with applicable procedures

• Potential nuclear safety deficiencies should be reported to a supervisor or PAAA Program Manager
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For Further Information on PAAA you may go to the following web sites:

- The Office of Enforcement
  http://tis-nt eh.doe.gov/enforce

- The EFCOG Site for the PAAA Working Group is
  http://www.efcog.org/workgroups/paaa/index.htm
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Course Summary

• The purpose of the PAAA is to enhance nuclear safety.
• The Price-Anderson program is good business.
• The United States Government will indemnify its contractors.
• If contractors do not perform nuclear or radiological work correctly, they are subject to penalties.
• It benefits the contractors to maintain good work practices which will produce quality products and services.