

Meeting Minutes – Energy Facility Contractors Group (EFCOG)
Safety Working Group, Regulatory & Reporting Technical Subgroup
Fall 2015 Workshop
Hosted by Nevada National Security Site DOE/NNSA Nevada Support Facility
October 19 – 21, 2015

October 19, 2015: The Strategic Planning Committee met at Del Frisco's on Monday evening. Topics of discussion were the upcoming meeting agenda and logistics of the breakout sessions.

October 20, 2015

The workshop was opened with a welcome by Debbie Jenkins and emergency/evacuation information provided by Brian Barbero. The agenda for the morning session was focused on presentations by the Office of Enforcement staff.

- Steve Simonson, Director, Office of Enterprise Assessments, Office of Enforcement (EA-10), provided an OVERALL update on Office of Enforcement activities and status (presentation on website).
 - Organization Chart
 - Fully staffed, but retirements are on the horizon (Rich Day, Les Bermudez)
 - Additional notes from presentation
 - Pace of Enforcement (fully staffed, realized efficiencies in OE, more events)
 - Fact Finding Visits (several have been conducted, mid-point between “track to closure” and official investigation. Cost is allowable)
 - Interview attendance (continues to be a topic of consideration/discussion)
 - Proposed changes to 10CFR Part 824 (not many details, but working to make it look more like the other regulations)
 - Proposed changes to 10 CFR Part 820 (not many details, however working to include reference within the regulation to specific nuclear safety regulations)
 - Planning for Spring 2016 Workshop
 - Date set for May 10 & 11 for new contractor training, with EFCOG meeting May 12, 2016.
 - Also:
 - Clarification/ discussion of subcontractor VS vendor
 - Where is line drawn between the two?
 - How are they handled differently?
 - DOE Guide 440 discusses subcontract flowdown
 - Need work between EFCOG and OE.
 - Continue to work on a list of “auto investigate” events.
- Kevin Dressman, Director, Office of Worker Safety and Health Enforcement (EA-11), provided an overview of recent worker safety and Health enforcement activities. The following activities were discussed:

Notices of Violations

- Worker injury from lithium hydride exposure (Babcock & Wilcox Technical Services Y-12, LLC)
- Unintentional firearm discharge (Babcock & Wilcox Technical Services Y-12, LLC)

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- Worker exposure to chlorine (Los Alamos National Security, LLC)
- Worker injuries – material handling and ergonomic hazards (UT-Battelle, LLC)
- Worker injuries from chemical drum explosion (National Security Technologies, LLC)

Enforcement Letters

- Partial Finger Amputation (Skookum Contract Services)
- Silica Exposure Monitoring (URS Energy and Construction, Inc.)
- N-propyl Bromide Monitoring (National Security Technologies, LLC)

Current Investigations

- Electrical Safety Program Implementation/arc flash injury\
- Potassium hydroxide injury
- Meteorological tower shock/radiofrequency exposure
- High voltage substation electrical arc flash
- Worker retaliation and occupational medicine program

Themes from WSH Enforcement activities:

- Consensus standards
- Subcontractor oversight
- Hierarchy of controls
- Medical emergency planning and response
- Recurrence of violations
- 851.23(b) – *“Nothing in this Part shall must be construed as relieving a contractor...”*

- Jon Thompson, Director, Office of Nuclear Safety Enforcement (EA-12), provided an overview of recent Nuclear Safety enforcement activities. The following activities were discussed:

Consent Orders

- Airborne radiation releases and associated uptake (UT-Battelle)
- Deficiencies in facility design and authorization basis, vessel welds, and quality assurance implementation (Bechtel National, Inc.)

Notices of Violation

- Criticality Safety Program Deficiencies (Los Alamos National Security, LLC)

Themes from Nuclear Safety Enforcement activities:

- Significance use of consent orders and enforcement letters
- Strong correction action correlated to mitigation of penalties
- Failure to address longstanding issues can lead to enforcement actions

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- Carrieanne Zimmerman, Acting Director, Office of Security Enforcement (EA-13), provided an overview of recent Security Enforcement activities. The following activities were discussed:

Notices of Violation

- Classified Information released to unapproved systems (National Security Technologies, LLC)
- Loss of Classified matter (Los Alamos National Security, LLC)
- Unauthorized disclosure and introduction of classified information into unapproved information systems (Sandia Corporation)

Enforcement Letters

- Improper destruction/Disposal of classified information (Consolidated Nuclear Security, LLC)
- IG report concerning information protection at Los Alamos National Security Laboratory (Los Alamos National Security, LLC)

Fact Finding Visits

- Consolidated Nuclear Security, LLC
- Los Alamos National Security, LLC

Regulatory Assist Reviews/Follow-up

- Consolidated Nuclear Security, LLC at Y-12
- Consolidated Nuclear Security, LLC at Pantex Plant (Pending)
- National Security Technologies, LLC at Nevada National Security Site
- Savannah River Nuclear Solutions, LLC at Savannah River Site

Observed Improvements

- Senior Management Awareness of Classified Information Security Issues – Routine Briefings
- Enforcement Coordinator Support during Fact-Finding and Investigation Activities
- Increased Engagement with Federal Partners; Headquarters, Program, Site and Field Offices
- Self-Identifying Program Deficiencies During Assessment Activities – Additional Performance Based Activities

Challenges

- Accurate Categorization of Classified Information Security Incidents Utilizing the A-B Protocol
- Completing Comprehensive and Factually Correct Inquiry Reports Involving the Compromise, Suspected Compromise or Loss of Classified Information

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- Enforcement Coordinator Awareness of Category “B” Security Incidents – Local Tracking System
- Debbie Jenkins provided a brief introduction to the Break-out session topics and meeting locations prior to breaking for lunch. Following lunch, attendees selected the break-out working session that was of most interest to them to attend.

October 21, 2015

Debbie Jenkins provided the working group report.

Leaders from each of the breakout sessions provided a brief summary of their session and path forward.

- Subcontractor Oversight & Compliance with WSH: B. Martini/D. Moore
This workshop was to develop guidance on managing subcontractors under 10 CFR 851. The session was attended by 20 people, including K. Dressman and S. Simonson. DOE has a guide that was developed in 2011 (G 440.1) that may need to be supplemented or updated. The attendees agreed that the following aspects need to be addressed:
 - Definition of covered work. Clarify the vendor/subcontractor demarcation.
 - Contract clauses to flow down in a graded approach. Define what a graded approach looks like.
 - How the first tier subcontractor ensures the second tier subcontractor understands the rights and responsibilities.
 - How to perform the oversight function and ensure the subcontractor is following expectations (subcontractor performance feedback).
 - Communication/ presentations to subs to ensure a clear and consistent message.
- Repetitive/Programmatic Reporting: C. Dimino
This workshop was to conduct a final review of the draft EFCOG guidance document on Reporting Programmatic/Repetitive Noncompliances in NTS and SIMMS. The session was attended by 8-10 people, including 2 DOE observers. A few changes were made to the language in the document for clarification purposes, and one major change was made to include reporting classified information Security violations in SIMMS in the scope of the document.
- NTS Report Attributes: S. Kontes
The focus of this workshop was to begin work on development of an EFCOG Best Practice document that discusses essential information to include in an NTS report. Progress was made and a draft document should be available prior to the Spring 2016 meeting.
- Regulatory Reporting Summaries: B. Thom/M. Holowczak
The focus of this workshop was to determine the focus and approach the team would take. A Power Point presentation was provided summarizing the proposed approach.

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Hierarchy of Summaries

- Appears to be at least three (3) possible categories of Regulatory Summaries including CFRs, Codes and Standards, and site specific examples.
- Timeline: December 31, 2015: Initiate 10 CFR 830 (A&B) Summaries; September 30, 2016: Complete 10 CFR 830 summaries and initiate 10 CFR 835 summaries.
- Out-Years: FY17 – 10 CFR 835; FY18 – 10 CFR 851; FY19 – Codes/Site Specific items.
- Conclusion:
 - All of the 3 primary codes (e.g., 830, 835, 851) could benefit from some examples
 - 10 CFR 830.122 (a.k.a., QA Rule)
 - Written very broadly; kind of maps to NQA-1
 - Examples, for each citation could bring standardization between DOE sites and cultivate better noncompliance identification especially by new Enforcement Coordinators
 - For example, what gets cited for:
 - Drawings don't reflect in field configuration
 - Inadequate Checking of Engineering products
 - Software QA
 - 10 CFR 830.200 (Safety Basis)
 - For example, what gets cited for:
 - Descriptive text in DSA is in error
 - Positive USQ
 - No USQ review performed

The remainder of the day consisted of Lessons Learned presentations. Presentations are posted on the EFCOG web page.

- WEA-2015-05: Three events involving material handling and ergonomic hazards (Debbie Jenkins)
- Airborne radiation release and radiological uptake by workers during size reduction and repackaging of highly enriched uranium materials (Debbie Jenkins)
- Two steps from death; When mission and safety culture collide (Mike Kinney)
- WEA-2015-06: Chemical Explosion (Brian Barbaro)
- NEL-2015-01 & 02: Suspect documentation received from shipping container supplier/Deficiencies in stack weight testing, inspection records and certification and closure instruction (Alan Duncan)
- SEA-2015-002: Loss of Classified Matter (Racheal Schroeder)
- WEL-2015-03: Partial finger amputation during transformer demolition (Neil Colomac)
- Fact Finding: Loss of Tank NT-51 Agitation Results in a Criticality Violation (EM-SRS-SRNS-HBLINE-2015-0002) (Bob Martini)

The meeting concluded with a brief review of the 2016 path forward and final comments. Overall, the meeting was well attended and feedback from the 36 participants was positive.

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