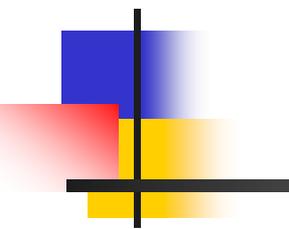
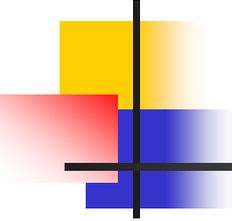


Enforcement— Worker Safety and Health Rule

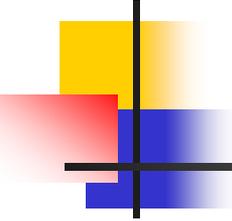


Steve Sohinki
Office of Price-Anderson Enforcement
U.S. Department Of Energy



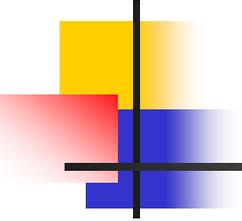
ENFORCEMENT—STATUTORY PROVISIONS

- Price Anderson indemnified contractors subject to civil penalties for rule violations
- Maximum civil penalty \$70K per violation per day
- Either contractual or civil penalty but not both
- No exemption for certain not-for-profits as currently exists in nuclear enforcement
 - Penalties assessed in a given year cannot exceed total fees paid by DOE



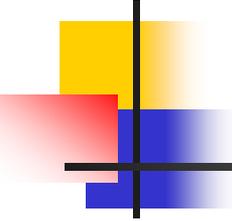
ENFORCEMENT— REGULATORY PROVISIONS

- Philosophy—Process should closely track nuclear enforcement process (10 CFR 820), with which contractor community is familiar
- Process virtually identical to nuclear except with respect to administrative appeals
 - In nuclear process, adjudication before an administrative law judge
 - In OSH process, Office of Hearings and Appeals reviews the Final Notice of Violation



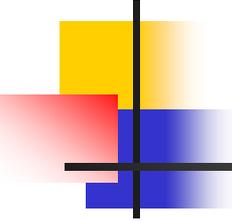
APPENDIX B— ENFORCEMENT POLICY

- Purpose—To use policy as a tool to promote proactive behavior to improve WS&H performance
- As with nuclear, provides substantial incentives to contractor organizations that self-identify, report and correct WS&H noncompliances



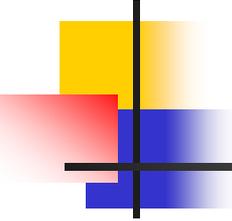
CATEGORIES OF VIOLATIONS

- Definitions of violation categories closely track OSHA categories—most contractor and subcontractor organizations familiar with these
- Three severity levels, with associated potential civil penalties of 100%, 50% and 10% of the statutory maximum, as with nuclear enforcement



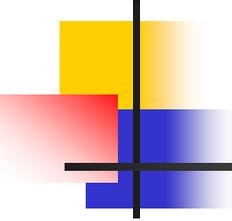
ENFORCEMENT SEVERITY LEVELS

- Severity Level I (Serious)
 - Violations involving the potential for death or serious bodily harm
 - Up to \$70,000
- Severity Level II (Other than Serious)
 - Violations for which the most serious injury or illness that would potentially result from a hazardous condition cannot reasonably be predicted to cause death or serious bodily harm but does have a direct relationship to worker safety or health
 - Up to \$35,000



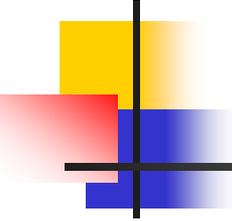
ENFORCEMENT SEVERITY LEVELS (cont.)

- Severity Level III (*De Minimus*)
 - These minor violations will be tracked to assure corrective actions are taken to prevent recurrence and determine whether there are broader issues
 - If a number of related minor noncompliances have occurred in the same time frame or recurred despite several attempts at corrective action, may be considered in the aggregate as a more serious violation
 - Up to \$7,000
 - Isolated minor violations will not be subject of Notices of Violation



ENFORCEMENT FOR NNSA CONTRACTORS

- Regulations essentially codify the practice that is the subject of an MOU between EH and NNSA for nuclear safety enforcement
- For NNSA sites, the NNSA Administrator would sign and issue actions that direct NNSA contractors (e.g. NOV's, subpoenas), after consideration of the recommendations of the OE Director



CHALLENGES AHEAD

- Revisions to Noncompliance Tracking System needed to accommodate worker safety reporting
- Thresholds for reporting
- Size of workload indeterminate
- Legacy Issues