

FESHM 3030: NONCOMPLIANCE TRACKING SYSTEM

Revision History

Author	Description of Change	Revision Date
Dave Baird	Updated FESHM Chapter to reflect changes associated with Implementation Plan for the SEAB Working Group Activities to Study Modifications to Laboratory M&O Contracts for Single Program Laboratories.	September 2016
T.J. Sarlina	<ul style="list-style-type: none">• Updated the chapter with the latest format and approved graphics.• Properly aligned responsibilities with titles.• Updated the References section.• Removed the Technical Appendix and replaced it with a direct link to ESHQ DocDB. (Section 6.4)	March 2016
Bill James	This Chapter is now consistent with the reporting requirements outlined in FESHM 3010.	February 2012
Nancy Grossman	Added FESHM Chapter formatting template and more complete guidance on Chapter content.	December 2010
Nancy Grossman	Initial release Chapter 1050	December 2009

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1.0 INTRODUCTION

The purpose of this article is to describe the reporting requirements outlined in the Price Anderson Amendments Act (PAAA) Noncompliance Tracking System (NTS) program. The Department of Energy's (DOE) Office of Enforcement is responsible for the enforcement of nuclear safety regulations applicable to the DOE indemnified contractors. They have established the internet-based NTS. This system is to be used by the PAAA Coordinator or alternate for the submission and tracking of potential regulatory non-compliances exceeding thresholds specified by DOE and to develop effective corrective actions to prevent their recurrence. Prompt identification, reporting to DOE, and timely correction of non-compliances may provide DOE with a basis to exercise discretion to mitigate civil penalties, and suspend the issuance of Notices of Violation for certain violations.

2.0 DEFINITIONS

Computerize Accident Incident Recordkeeping and Reporting System (CAIRS) – An on-line DOE database utilized to capture issues pertaining to workplace injuries.

Occurrence Report and Processing System (ORPS) – An online DOE database used to report on incidents and events that meet or exceed criteria listed in DOE Manual 232.2, "Occurrence Reporting and Processing of Operations Information."

Issues Management Tracking System (iTrack) - Fermilab's internal database to track non-compliance issues beneath the NTS threshold.

Noncompliance Tracking System – An online DOE database used to report potential regulatory non-compliances exceeding thresholds specified by DOE.

Significant Events Log – An on-line record maintained by the PAAA Coordinator and Alternate for the purpose of capturing significant events/issues that may qualify for reporting under CAIRS, ORPS, NTS.

3.0 RESPONSIBILITIES

3.1 Chief Safety Officer

- Appoint PAAA Coordinator for radiological matters.
- Appoint PAAA Coordinator for worker safety and health matters.
- Evaluate the Worker Safety and Health Program to detect deficiencies or compliance issues.
- Consult with PAAA Coordinators to identify and implement additional reporting of radiological or worker safety and health events under ORPS (see [FESHM 3010, Significant Reportable Occurrences](#)) and to any external agencies under applicable requirements and regulations.
- Conduct discussions at regular meetings of Laboratory Management, Environment, Safety, and Health (ES&H) professionals, Fermilab ES&H Committee (FESHCom) and its subcommittees.

- Respond to observations made by members of the DOE-Fermi Site Office (DOE-FSO) and other DOE officials.
- Periodically provide orientation on the PAAA reporting system and enforcement procedures to senior laboratory management, radiological control personnel and ES&H professional staff members.

3.2 Senior Radiation Safety Officer (Radiological Control Manual Articles 131 and 135)

- Serve as PAAA Coordinator for radiological matters.
- Evaluate the Radiation Protection Program to identify deficiencies or compliance issues.
- Review notifications of events and issues as they arise by laboratory management, professional ES&H staff lab-wide, and other concerned individuals, including reports received through the Laboratory's Employee Concerns Program.
- Review occurrences and programmatic issues identified at other facilities.
- Determine the need for formal investigations, reports and entries to the NTS/ORPS Consideration Review Table and the NTS.
- Approve final investigation reports that involve potential PAAA non-compliances.
- Designate an alternate PAAA-Coordinator for radiological matters.
- Enter non-compliances into the NTS.
- Conduct a quarterly review of reported incidents, inspection reports, and program reviews to identify programmatic trends which need to be screened for NTS submission.
- Input any audit, review or trending analysis which meets NTS reporting requirements.
- Coordinate through the host Division/Section/Project (D/S/P) for information review.
- Ensure forms are completed in a timely manner.
- Track corrective actions to completion and close them out in NTS upon receiving report by the D/S/P.

3.3 ORPS Program Manager

- Serve as a PAAA Coordinator for worker safety and health matters.
- Review notifications of events and issues as they arise to laboratory management, professional ES&H staff lab-wide, and other concerned individuals, including reports received through the Laboratory's Employee Concerns Program.
- Review occurrences and programmatic issues identified at other facilities.
- Determine the need for formal investigations, reports and entries to the NTS/ORPS Consideration Review Table and the NTS.
- Approve final investigation reports that involve potential PAAA non-compliances.
- Designate an alternate PAAA-Coordinator for worker safety and health matters.
- Enter non-compliances into the NTS.
- Input any audit, review or trending analysis which meets NTS reporting requirements.
- Coordinate through the host Division/Section/Project (D/S/P) for information review.
- Ensure forms are completed in a timely manner.
- Track corrective actions to completion and close them out in NTS upon receiving report by the D/S/P.

3.4 Incident Prevention Subcommittee

- Conduct a quarterly review of reported incidents, inspection reports, and program reviews to identify programmatic trends which need to be screened for NTS submission.

3.5 Division/Section Head and Project Manager (D/S/P)

- Notify the appropriate PAAA Coordinator and CSO of any incident or program review that may meet the threshold for reporting through the NTS.
- Conduct an investigation into the incident, consulting with the appropriate PAAA Coordinator, and provide sufficient information within the allotted time for the submission of the base report (CAIRS, ORPS or NTS).
- Assure all corrective actions are placed into iTrack and coordinating the implementation of all corrective actions. See [Quality Assurance Manual \(QAM\) 12030](#), *iTrack Procedures and Risk Assignment* for additional information.
- Assure the PAAA Coordinator is kept apprised of the closing of iTrack items or changing of tentative completion dates.
- Provide the PAAA Coordinator with citations as to what rules/regulations were violated.

4.0 PROGRAM DESCRIPTION

This chapter describes the identification and reporting of radiation protection and worker health and safety non-compliances. It also identifies threshold reporting criteria intended to be consistent with guidance provided by the DOE. Potential non-compliances beneath those thresholds are tracked through the iTrack database (see [QAM 12030](#)) and the Significant Events Log.

5.0 PROCEDURES

On discovery of an event, the D/S Head or Project Manager should consult with the appropriate PAAA Coordinator to determine the reporting requirements. When issues are identified meeting NTS criteria, submission will be required and coordinated between the Environment, Safety, Health, and Quality (ESH&Q) Section and the affected D/S/P.

Any CAIRS or ORPS events that meet the reporting criteria identified in Appendix A will have a NTS report initiated upon the completion of the CAIRS report or the filing of the final ORPS. Findings/issues identified as a result of an audit/assessment, CAIRS or ORPS will be entered into iTrack and tracked to completion. These items will also be included in the NTS report.

NTS Filing Process

1. The responsible PAAA Coordinator will initiate the NTS filing process.
2. Information required for the NTS report will be taken directly from:
 - a. ORPS or CAIRS report, if applicable;
 - b. Issues identified by means of formal audits that are not routine monitoring and inspection activities of the Radiological Control Organization, ESH&Q Section staff, or ES&H professional staff;

- c. Repetitive issues identified during formal or informal audits and reviews, even minor ones, that could possibly be indicative of systematic, rather than isolated failure to properly implement the Radiation Protection or Worker Safety and Health Programs;
 - d. Minor issues other than those found and corrected during routine monitoring and inspections of potential noncompliance that cannot be resolved in a short period of time (a radiological posting having fallen off of a door is an example);
 - e. Issues that might plausibly lead to other, perhaps more significant, non-compliances (a missing sign needed to post the entrance to a high radiation area might be an example);
 - f. Non-compliances that potentially involve more than one division, section, or project.
3. Additional information, citation references and corrective action will be obtained from the Division Safety Officer (DSO).
 4. If the NTS was a result of a non-ORPS event, a draft NTS report will be generated by the responsible PAAA Coordinator for review by the affected DSO, the Chief Safety Officer, and DOE-FSO.
 5. Initial submission, updated and completed NTS reports will be generated. They should be converted to PDF format for retention.
 6. PDF copies will be posted on the ESH&Q Section website.

6.0 REFERENCES

Office of Enterprise Assessments U.S. Department of Energy, Office of Enterprise Assessments Noncompliance Tacking System

6.1 Regulations

10 CFR 708 - DOE Contractor Employee Protection Program

10 CFR 835, Occupational Radiation Protection, as implemented by the current version of Fermilab's DOE-Approved Radiation Protection Program (10 CFR 835.101).

10 CFR 851 - Worker Safety and Health Program; Final Rule, (In its entirety) (02/09/2006)

10 CFR 850 - Chronic Beryllium Disease Prevention Program; Final Rule (12/08/1999)

29 CFR 1904 - Reporting and Reporting Occupational Injuries and Illnesses (OSHA)

29 CFR 1910 - Occupational Safety and Health Standards (OSHA)

29 CFR 1926 - Safety and Health Regulations for Construction (OSHA)

6.2 Enforceable Directives

DOE Order 231.1-1B Administrative Change 1, Environment, Safety and Health Reporting

DOE Order 440.1B Change, Worker Protection Program for DOE (Including the Nation Nuclear Security Administration) Federal Employees

DOE-Technical Standard-1167-2003, DOE Respiratory Acceptance Program for Supplied-air Suits

6.3 Nuclear Safety Enforcement / Nuclear Safety

10 CFR 820 and Amendments

10 CFR 820 - Procedural Rules for DOE Nuclear Activities (01/01/10)

10 CFR 820 - Procedural Rules for DOE Nuclear Activities; General Statement of Enforcement Policy; Final rule; amendment of enforcement policy statement and confirmation of interim rule (3/22/2000) includes Appendix A to Part 820 as amended on October 8, 1997

10 CFR 820 - Procedural Rules for DOE Nuclear Activities Part II (08/17/1993)

6.4 NTS Reporting Criteria

NTS reporting criteria is detailed in DOE Order 231.1-2. The [NTS Tables](#)* in ESH&Q DocDB list the requirements for Nuclear Safety reporting, Security Enforcement reporting, and Worker Safety and Health reporting.

Note: Significance Category 3 and 4 ORPS events identified in tables 7.1 through 7.10 of FESHM Chapter 3010 – Occurrence Reporting are no longer required to be reported in the DOE NTS Database Systems per Fermilab’s 2016 contractual agreement with the Secretary of Energy’s Advisory Board (SEAB).