

FESHM 3030: NONCOMPLIANCE TRACKING SYSTEM (NTS)

Revision History

Author	Description of Change	Revision Date
Angela Aparicio	<ul style="list-style-type: none">Removed SEAB reference as it is no longer applicable. Minor editorial changes from PAAA to Enforcement.Updated Enforcement Coordinator Responsibilities.Added references to QAM 12140 - Event Response Program	September 2022
Angela Aparicio Dave Baird	Minor editorial changes to SEAB note to align with updates to FESHM 3010.	September 2017
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 and worker safety and health regulations applicable to the DOE indemnified contractors. They have established the internet-based NTS. This system is to be used by the Enforcement 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

Computerized 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 (NTS) – An online DOE database used to report potential regulatory non-compliances exceeding thresholds specified by DOE.

ORPS/NTS Database – A Fermilab internal database utilized by the Enforcement Coordinator and Alternate for the purpose of capturing significant events/issues that may qualify for reporting under CAIRS, ORPS, or NTS.

3.0 RESPONSIBILITIES

3.1 Chief Safety Officer (CSO)

- Appoint Enforcement Coordinator for radiological matters.
- Appoint Enforcement Coordinator for worker safety and health matters.
- Evaluate the Worker Safety and Health Program to detect deficiencies or compliance issues.
- Consult with Enforcement 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 NTS 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 the Enforcement Coordinator for nuclear/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 for potential regulatory noncompliances.
- Review occurrences and programmatic issues identified at other facilities to ensure that similar issues do not exist at Fermilab.
 - Inform senior management of compliance issues elsewhere in the DOE complex, and the status of the lab's noncompliance screening and reporting program.
- 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 Enforcement Coordinator for radiological matters.
- Enter noncompliances into the NTS in a timely manner (within 20 days of discovery). Notify FSO Enforcement Coordinator prior to submittal into 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 and validate corrective actions to completion and close them out in NTS upon receiving report by the D/S/P.
- Serve as the liaison between DOE and FRA during an enforcement investigation to ensure that the facts and technical issues are fully understood.

3.3 Event Response Program Manager

- Serve as the Enforcement Coordinator for worker safety and health matters.
- Be knowledgeable of reporting thresholds, with a keen sensitivity to identifying programmatic issues, negative trends, and repetitive issues.
- 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 for potential regulatory non-compliances.
- Review occurrences and programmatic issues identified at other facilities to ensure that similar issues do not exist at Fermilab.
 - Inform senior management of compliance issues elsewhere in the DOE complex, and the status of the lab's noncompliance screening and reporting program.
- Determine the need for formal event reviews, reports and entries to the NTS/ORPS Consideration Review Table and the NTS.

- Approve final event review reports that involve potential non-compliances.
- Designate an alternate Enforcement Coordinator for worker safety and health matters.
- Enter noncompliances into the NTS in a timely manner (within 20 days of discovery). Notify FSO Enforcement Coordinator prior to submittal into 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.
- Track and validate corrective actions to completion and close them out in NTS upon receiving report by the D/S/P.
- Serve as the liaison between DOE and FRA during an enforcement investigation to ensure that the facts and technical issues are fully understood.

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/Project Head (D/S/P)

- Notify the appropriate Enforcement Coordinator and CSO of any incident or program review that may meet the threshold for reporting through the NTS.
- Conduct an event review into the incident (following the process outlined in QAM 12140), consulting with the Event Response Program Manager, 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 Enforcement Coordinator is kept apprised of the closing of iTrack items or extension of item due dates.
- Provide the Enforcement 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 [ORPS/NTS database](#).

5.0 PROCEDURES

Upon discovery of an event, the D/S/P Head should consult with the appropriate Enforcement Coordinator to determine the reporting requirements. When issues are identified meeting NTS criteria, submission will be required and coordinated between the Enforcement Coordinator and the affected D/S/P.

Current Enforcement Coordinators:

Nuclear Safety:	Worker Safety and Health:
Matt Quinn, primary	Angela Aparicio, primary

Any CAIRS or ORPS events that meet the reporting criteria identified in the [NTS Reporting Criteria tables](#) shall have a NTS report initiated upon the completion of the CAIRS report or the filing of the notification ORPS, or within 20 days after the event. 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 Enforcement Coordinator will initiate the NTS filing process.
2. Information required for the NTS report will be taken directly from:
 - a. The Event Response, 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 or ES&H Section 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 actions 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 Enforcement Coordinator for review by the affected DSO, the Chief Safety Officer, the Chief Operating 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 ES&H Section website: <https://eshq.fnal.gov/atwork/safety-occupational/nts-orps/>

6.0 REFERENCES

- Quality Assurance Manual (QAM) 12140 – Event Response Program: <https://eshq.fnal.gov/manuals/qam/>
- Office of Enterprise Assessments U.S. Department of Energy, Office of Enforcement [Noncompliance Tacking System](#)
- [DOE Safety and Security Enforcement Coordinator Handbook](#)

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 Recording 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 \(Including the National Nuclear Security Administration\) 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 the DOE Safety and Security Enforcement Coordinator Handbook. The [NTS Reporting Criteria Tables](#) in ES&H DocDB list the expectations for Nuclear Safety reporting, Information Security reporting, and Worker Safety and Health reporting.