

Testimony of Glenn S. Podonsky
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U.S. Department of Energy
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Introduction

Chairman Nelson, Ranking Member Sessions, and members of the subcommittee, thank you for inviting me to testify today on the Department of Energy's Fiscal Year (FY) 2008 Budget Request for the Office of Health, Safety and Security (HSS). On October 1, 2006, the Secretary of Energy established HSS to integrate certain Department of Energy (DOE) Headquarters-level functions for health, safety, environment, and security into one unified office. This new organization reflects the Department's commitment to maintain a safe and secure work environment for all Federal and contractor employees and the surrounding communities and stresses the importance of delineating clear roles and responsibilities and line management accountability for these programs. Since its creation, this new office has begun the process of strengthening these important functions through increased clarity in the assignment of responsibilities and accountability. The FY 2008 HSS budget request includes the funding of the former Environment, Safety, and Health (EH) program within the Energy Supply and Conservation and Other Defense Activities appropriations, and the funding of the former Security and Safety Performance Assurance (SSA) program within the Other Defense Activities appropriation. The HSS program provides a highly focused and integrated corporate-level analytical capability to identify problem areas and to provide the basis for line management to implement effective Department-wide solutions in the areas of health, safety, environment, and

security.

As the Department's central organization responsible for health, safety, environment, and security, HSS provides corporate-level leadership and strategic vision to coordinate and integrate these programs. It provides the Department with effective and consistent policy development, technical assistance, education and training, complex-wide independent oversight, and enforcement for health, safety, environment, and security programs. HSS integrates worker health, safety, environment, and security functions to address crosscutting Departmental issues, increase collaboration and sharing of technical expertise, and increase management accountability for health, safety, environment and security responsibilities. This integrated approach and functional alignment of responsibilities reduces overlap in reporting and provides consistency in developing policy and guidance and providing technical assistance, while increasing the effectiveness of communication and accountability for worker health, safety, environment and security. As the Chief Health, Safety and Security Officer, I advise the Deputy Secretary and the Secretary on a wide range of matters related to health, safety, environment and security across the complex.

Before addressing the HSS budget request and priorities, we want to make clear that one of the primary objectives in creating HSS was to build upon the dedicated efforts, and positive impact made by the previous EH and SSA organizations and to continue their work in a more integrated and effective manner to further strengthen these important functions. For example, the HSS Office of Independent Oversight continues to have a rigorous and multi-faceted oversight program. At the time of the recent security problems at Los Alamos National Laboratory

(LANL), HSS was conducting a combined safeguards and security, cyber security, and emergency management independent oversight inspection at LANL. Subsequent to that inspection, HSS conducted a Personnel Security Follow-up Review of the NNSA Service Center Personnel Security Program that included an extensive review of all case files for the timeframe of interest. Additionally, as directed by the Secretary of Energy, HSS led a task force to review the Department's Personnel Security Program to determine whether there are deficiencies in the program or program implementation throughout the Department. Further, in November 2006, HSS initiated a security enforcement investigation under the provisions of 10 CFR 824 (Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations) into the recent LANL security event, the first such investigation undertaken by the Department.

The Secretary of Energy is ultimately responsible and accountable for the performance of DOE, including NNSA. Through HSS, the Secretary establishes Department-wide environment, safety, health, and security policy, which also applies to NNSA. The Secretary relies on HSS to conduct corporate independent oversight of all safety and security disciplines, and expects NNSA to respond to all findings with effective corrective actions to eliminate weaknesses. As a result, it is imperative for HSS to maintain a close working relationship with NNSA. The roles of certain elements within NNSA, such as the Office of Defense Nuclear Security, are complementary to HSS in providing policy, assistance, training, and oversight. The role of the Office of Defense Nuclear Security is to provide a line management oversight function by advising the Administrator, NNSA, on the status of security within NNSA.

FY 2008 Budget Request Overview

The Office of Health, Safety and Security's budget request for FY 2008 of \$428.358 million includes \$328.315 million for Health, Safety and Security Programs and \$100.043 million for Program Direction. A summary of the health, safety and security programs and activities proposed to continue in FY 2008 with this funding request include:

Health and Safety Policy, Standards, and Guidance (\$4,203,000): DOE issues policy, standards, and guidance to ensure workers and the public, property, and the environment are adequately protected from the hazards of DOE activities. For most DOE facilities, DOE assumes direct regulatory and enforcement authority for safety and health in accordance with the Atomic Energy Act of 1954, as amended. Safety policy, standards, and guidance must therefore take into account the nuclear, chemical, and industrial hazards posed by DOE operations and must be current with worldwide technologies, knowledge and experience. Environmental programs at DOE sites are, for the most part, driven by Federal, state, and local regulations. However, environmental direction and assistance are provided to DOE sites, especially in the areas of pollution prevention and Environmental Management Systems development and implementation.

The FY 2008 budget request provides for HSS to:

- Strengthen implementation of 10 CFR 851, Worker Safety and Health Program
- Continue to support training for Nuclear Executive Leadership, Senior Technical Safety Managers, and Environment, Safety and Health Project Managers
- Strengthen worker health and safety, nuclear safety, radiation protection, and environmental policies and standards, including Integrated Safety Management and Environmental Management Systems

- Continue implementation of the Federal Employee Occupational Safety and Health program via training, guidance, and other communications methods
- Strengthen liaison with the Institute of Nuclear Power Operations and the commercial nuclear power industry
- Provide support to the U.S. and international regulatory community by maintaining standards associated with the release of contaminated property and response to events involving radiological dispersal and improvised nuclear devices
- Continue to assist DOE sites to implement Environmental Management Systems and the DOE Environmental Compliance Management Improvement Plan
- Continue implementation of the Human Performance Improvement Initiative to identify and close human performance gaps
- Develop and issue the DOE Annual Site Environmental and National Environmental Standards for Hazardous Air Pollutants Reports
- Conduct and support cultural resource and environmental protection program workshops, lessons-learned programs and guidance and tools, including those related to implementation of environmental management systems requirements under the new Executive Order 13423 (Strengthening Federal Environmental, Energy, and Transportation Management) as well as those for continued compliance with environmental laws

DOE-Wide Environment, Safety, and Health Programs (\$3,976,000): DOE-Wide

Environment, Safety and Health Programs improve worker and nuclear facility safety, and protect the public and the environment. Activities under these programs develop state-of-the-art analysis tools and approaches specific to the nature and mix of radioactive, hazardous, and toxic

materials at DOE facilities. Efforts include construction safety; work planning activities and techniques to identify, evaluate, and eliminate hazards; methods for reducing or eliminating release of pollutants; and the identification of technologies and innovative adaptations of existing practices. The FY 2008 budget request provides for HSS to:

- Continue providing assurance that worker radiation exposures are accurately determined through the DOE Laboratory Accreditation Program (DOELAP)
- Prepare the Annual DOE Occupational Radiation Exposure Report
- Continue to promote pollution prevention through DOE Pollution Prevention (P2) Star Awards and improve pollution prevention data reporting and analysis
- Assist sites in maintaining safe operations throughout the life-cycle of their nuclear facilities
- Strengthen and expand the implementation of the DOE Voluntary Protection Program (VPP), including continued development of the electronic VPP program
- Assist in the implementation of Environmental Management Systems and provide Status Report to the U.S. Environmental Protection Agency
- Strengthen the implementation of the Enforcement Program Plan to integrate enforcement protocols for both nuclear and worker safety and health
- Improve the Non-compliance Tracking System to strengthen report generation and address feedback received from end users
- Continue the enforcement of 10 CFR 851, Worker Safety and Health Program
- Update 10 CFR 850, Chronic Beryllium Disease Prevention Program to reflect lessons learned and advances in technology since its promulgation in 1999

Corporate Safety Programs (\$7,111,000 less \$990,000 from prior year balance for an FY 2008 request of \$6,121,000): Corporate Safety Programs serve a crosscutting safety function for the Department and its stakeholders in assuring excellence and continuous improvement in environment, safety and health in the conduct of its missions and activities. Elements that comprise Corporate Safety Programs include: Performance Assessment, the Quality Assurance Program (which includes the Corrective Action Management Program), Filter Test Facility, the Facility Safety Program (which includes Accident Investigations and Corporate Safety Basis), Price-Anderson Enforcement, and the Analytical Services Program. The FY 2008 budget request provides for HSS to:

- Strengthen trending and analysis of DOE's safety performance in protecting the public, workers, and the environment through advanced analytical tools
- Analyze the effectiveness of site suspect or counterfeit items programs and prepare the DOE Annual Suspect or Counterfeit Items Activities Report
- Continue to improve the safety-related DOE Quality Assurance Program through updated directives, assessments, technical assistance, and maintenance of the Corrective Action Management Program
- Operate and maintain the High Efficiency Particulate Air Filter Test Facility
- Support and conduct Type A investigations for serious incidents and oversee the conduct of Type B investigations via the Accident Investigation Program
- Participate in Operational Readiness Reviews and Readiness Assessments, and associated program training, at Category 1, 2, and 3 nuclear facilities prior to the startup or restart of those facilities

- Continue implementation of the Nuclear Safety Enforcement Program in accordance with the Price-Anderson Amendments Act
- Implement the Analytical Services Program by developing corporate-level environmental sampling protocols and conducting quality assurance audits of environmental laboratories used by the sites in support of environmental compliance programs

Health Programs (\$40,803,000): Health Programs support domestic and international health studies including the Former Worker Program (a nationwide program of medical screening to identify work related health effects) and studies to investigate and identify work related injury and illness in the DOE worker population and populations surrounding DOE sites. The benefits of these projects and programs include discovery and documenting health effects outcomes that provide the scientific basis for national and international worker protection policy and standards. These radiation protection standards and practices, in turn, provide levels of protection appropriate for the risk posed to workers by hazards present at DOE sites. The FY 2008 budget request provides for HSS to:

- Continue to conduct international health and environmental monitoring programs associated with:
 - the atomic blasts above Japan - Radiation Effects Research Foundation
 - resettling atolls in the Marshall Islands affected by the U.S. thermonuclear “Bravo” test
 - the accidental dispersal of radioactive materials in Palomares, Spain
 - nuclear weapons production activities in Russia

- Continue to implement the Former Worker Medical Surveillance Program by conducting medical screening to determine potential health issues (which screening has been done for over 46,000 individuals to date and will continue)
- Provide rapid medical expertise, response, and physician training in response to accidental exposure to radiation via the Radiation Emergency Accident Center and Training Site
- Collect and analyze medical and industrial hygiene data on current workers exposed to beryllium, plutonium, and other hazards
- Continue to conduct studies to determine the effect of DOE operations on surrounding populations and communities

Employee Compensation Program (\$3,000,000): This activity funds DOE's efforts in support of the implementation of the Department of Labor (DOL) Energy Employees Occupational Illness Compensation Program Act (EEOICPA). DOE assists DOL, the National Institute of Occupational Safety and Health (NIOSH), and the Advisory Board on Radiation and Worker Health by providing access to all available records and information needed to support claims filed by DOE contractor employees and to enable DOL to fulfill its statutory responsibilities.

The FY 2008 budget request provides for HSS to:

- Provide DOL, the NIOSH, and the Advisory Board on Radiation and Worker Health, access to all available records and information needed to support such claims in a timely manner
- Maintain improved communication and coordination with DOL and NIOSH through weekly conference calls and periodic meetings with Advisory Board on Radiation and Worker Health
- Work with line management to identify Field contacts to improve program implementation

Safety and Security Training (\$14,756,000): Funding develops and maintains the proficiency and competence of DOE safety and security personnel through standardized training, education, and professional development services. Funding also provides for the conduct of workforce analyses and career development programs required for the protection of the environment, safety, and health of the public, the Departmental workforce, and critical assets and national security. The DOE National Training Center, in Albuquerque, NM, is the designated DOE Center of Excellence for safety and security training and the primary resource for performing these functions. The FY 2008 budget request provides for HSS to:

- Conduct the Leadership Development Institute courses
- Host the semi-annual Federal Technical Capabilities Panel
- Increase focus on safety and security training interface, based on the safety and security expertise within HSS
- Increase utilization of the Integrated Safety and Security Training and Evaluation Complex
- Enhance Tactical Response Force Course by providing performance oriented training
- Conduct safety and security training needs assessment surveys to identify training requirements for new security and/or safety technologies

Security Operational Support (\$14,345,000): Security Operational Support activities provide technical expertise to support the implementation of Department-wide security requirements.

The FY 2008 budget request provides for HSS to:

- Continue evaluation of the Design Basis Threat (DBT) Policy and Security Directives (Policy) Zero Base-line Review

- Enhance rules of engagement in support of force-on-force performance exercises and for response to security events
- Continue implementation of the Elite Protective Force Initiative (the Department believes that the current contractor security force model is working well. There are certainly pros and cons to the federalization question, but the Department has reviewed this option and concluded that the contractor model, coupled with our Elite Protective Force Initiative, provides the security posture that we expect in protecting our facilities and assets)
- Maintain the Human Reliability Program and continue implementation of Personnel Security Program Review recommendations
- Continue support for sharing methods and products to satisfy regulatory security requirements through the Security Awareness Special Interest Group
- Maintain security related data systems, e.g., Safeguards and Security Information Management System, Incident Tracking and Analysis Capability
- Provide risk management, vulnerability assessment, and security system performance evaluations, verifications, and validations for identification and clarification of threats to Departmental assets
- Continue support for the Foreign Ownership, Control or Influence and Foreign Visits and Assignments programs and associated data management systems
- Maintain the Nuclear Materials Management and Safeguards System (NMMSS) and other nuclear and radiological material tracking programs in support of international treaties and Nuclear Regulatory Commission initiatives

Headquarters Security Operations (\$24,942,000): Headquarters Security Operations supports the security protective force and systems designed to provide protection of DOE Headquarters facilities and assets. The FY 2008 budget request provides for HSS to:

- Maintain physical protection and access control for DOE operations in the National Capital Area (Washington, D.C. and Germantown, MD)
- Manage the Technical Surveillance Countermeasures (TSCM) Program for DOE Headquarters and contractors in the Greater Washington, D.C. area
- Maintain security alarms and access control systems
- Conduct security briefings for DOE federal and contractor employees; other personnel granted DOE access authorizations, and non-DOE personnel granted unescorted access to DOE Headquarters facilities

Security Technology Development and Systems Deployment (\$15,840,000): The Security Technology Development and Systems Deployment activity provides technology-based solutions to known security vulnerabilities throughout the DOE complex as an alternative to costly increases in manpower needed to implement the DBT Policy, and provides technologies to counter threats for which no current defensive capability exists. The activity identifies and evaluates commercial technologies to ensure that system performance is commensurate with operational security requirements before such technologies are purchased and deployed to protect critical national security assets. Funding also provides for the modification of existing technologies, deployment of technologies, and technical assistance to meet security requirements in the most cost-effective manner possible.

Classification, Declassification and Controlled Information (\$11,678,000): This activity ensures that the Department meets its statutory responsibility to implement the U.S. Government-wide program to classify and declassify nuclear weapons-related technology (i.e., Restricted Data and Formerly Restricted Data), and to implement the requirements of Executive Order 12958 to classify other information that is critical to the national security (i.e., National Security Information). This program identifies information controlled under statute to protect national security (i.e., Unclassified Controlled Nuclear Information) and other governmental, commercial, and private interests (e.g., Official Use Only). This activity also provides for the training and certification of DOE and other U.S. government Department and Agency personnel.

Security Investigations (\$37,836,000): This activity manages funding for background investigations to provide access authorizations to DOE federal and contract personnel who, in the performance of their official duties, require access to classified information or certain quantities of special nuclear material. Background investigations are required by section 145 of the Atomic Energy Act of 1954, as amended, and EO 12968 (Access to Classified Information). The investigations are performed and access authorizations granted based on 10 CFR Part 710, *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*. The centralized management of access authorizations and related data is performed in a cost-effective, efficient manner using electronic databases and Internet-capable tools that comprise the electronic DOE Integrated Security System (eDISS+). These electronic tools support and track the adjudication process from the beginning to the disposition of the access authorization request. Either the Federal Bureau of Investigation or the Office of Personnel Management performs the background investigations as required by law or DOE

requirements.

Program Direction (\$100,043,000): Program Direction provides the salaries, benefits, travel, working capital fund and other related expenses for the 437 federal employees as well as other resources and associated costs required to provide overall direction and execution of HSS programs. It provides for implementation of the Independent Oversight program of evaluating the Department's performance in safeguards and security; cyber security; emergency management; environment, safety and health; and any other subject areas as dictated by the Secretary and Deputy Secretary and support to the Departmental Representative to the Defense Nuclear Facilities Safety Board.

Specialized Security Activities (\$150,815,000): Funding is provided to identify and communicate information necessary to ensure adequate protection of the Department's national security assets.

HSS Priorities for FY 2008

As the Chief, Health, Safety and Security Officer, I am constantly aware of the vital role and significant responsibilities HSS has to ensure the health, safety and security functions of this Department are strengthened. To meet this commitment, one of our major priorities is to institutionalize our activities. Additionally, other key HSS priorities for FY 2008 to ensure we meet our commitment are to:

- Improve the quality and timeliness of safety and security policy and directives

- Enhance worker health and safety based on priorities developed from operating experience, health studies and surveillance data, independent oversight results, enforcement activities, and other stakeholder feedback
- Enhance Federal expertise in the area of line management oversight of field operations and the effective application of resources
- Improve issues management to provide a foundation for continuous improvement and preventing recurrences of adverse events
- Improve interface with the DNFSB
- Improve the worker health, safety, and security interface
- Implement the Elite Protective Force
- Increase Emphasis on Security Technology Deployment
- Continue and Enhance Independent Oversight

Concluding Remarks

Mr. Chairman and members of the subcommittee, the Secretary of Energy created HSS to strengthen worker health, safety, environment, and security functions within the Department. Since its creation, HSS has received strong and continual support from the Secretary, the Deputy Secretary, and the Department's leadership. In the past six months, we have made significant strides towards improving the health, safety, environment, and security functions of the Department, including better alignment of responsibilities associated with these functions. We are confident that with the continued support of DOE management, our stakeholders, and Congress, we can expand on the accomplishments of the past six months and further strengthen the Department's health, safety, environment, and security functions. This strengthening will

better ensure that all DOE workers, the public, and our national security assets are safe and protected.