

Written Testimony of Glenn S. Podonsky  
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Subcommittee on Strategic Forces  
Committee on Armed Services  
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INTRODUCTION

Chairman Tauscher, Ranking Member Turner, and members of the subcommittee, thank you for inviting me to testify today on the Fiscal Year (FY) 2010 Budget Request for the Office of Health, Safety and Security (HSS). As the central organization within the Department of Energy (Department or DOE) responsible for health, safety, security, and environment, HSS provides the Department with effective and consistent policy, technical assistance, professional development and training, complex-wide independent oversight, and enforcement. As the Chief Health, Safety and Security Officer, I advise the Secretary and the Department's senior leadership on a wide range of matters related to health, safety, security, and environment across the complex.

HSS implements the unwavering commitment of DOE to maintain a safe and secure work environment for all Federal and contractor employees and to ensure that its operations do not adversely affect the health, safety, or security of the surrounding communities. To fulfill this commitment, HSS stresses the importance of delineating clear roles and responsibilities and line management accountability for DOE health, safety<sup>1</sup>, and security<sup>2</sup> programs. Continually striving to ensure the health, safety, and security of DOE workers and vital assets is HSS's contribution to the Department's critical scientific, energy, and national security missions.

Most recently, in response to the recent outbreak of the 2009-H1N1 flu, HSS implemented the DOE Internal Preparedness Plan for Infectious Diseases through the activities of the DOE Biological Event Monitoring Team (BEMT), a multidisciplinary team consisting of experts in biological events, to organize the Department's biomedical expertise, continuity programs, and emergency operations. The BEMT has been meeting daily since April 27 to address the implications for the DOE workforce by: monitoring the Centers for Disease Control and Prevention and other sources of epidemiologic and public health information; exchanging information with DOE medical providers; determining and communicating the DOE Headquarters medical condition alert status; and coordinating response activities throughout the Department.

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<sup>1</sup> Includes occupational, nuclear, and radiation safety; cultural and natural resources; environment; quality assurance; and safety-related aspects of training, enforcement, and independent oversight activities.

<sup>2</sup> Includes physical, personnel, and information security; nuclear materials accountability; classification / declassification; and security-related aspects of training, enforcement, and independent oversight activities.

HSS continues to interface with other Federal departments and agencies, such as the Nuclear Regulatory Commission (NRC), Environmental Protection Agency (EPA), Department of Labor (DOL), Department of Health and Human Services (HHS), Department of Homeland Security (DHS), and Department of Defense (DoD), to share information and coordinate efforts in strengthening the Department's and the Nation's overall safety and security posture. However, HSS outreach efforts go beyond other Federal departments and agencies to include national and local labor unions, non-governmental organizations, and other stakeholders. These efforts have resulted in improved understanding of the health, safety, and security issues facing the Department's workers and the development of solutions for these issues. In FY 2008, HSS initiated a "Visiting Speaker Program," bringing top-level government and business experts and leaders to interact with the Department's leadership in a forum to discuss the challenges, such as sustainability and continuity of operations, facing the Department and the Nation.

HSS coordinates the Department's efforts with DOL and HHS's National Institute for Occupational Safety and Health (NIOSH) to better facilitate the implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). As a result of these efforts, HSS will continue to increase coordination and interface between the DOE Former Worker Medical Screening Program and the DOL EEOICPA to increase the efficiency and timeliness of providing benefits to eligible personnel who have contracted a covered illness as a result of working at a DOE facility. In FY 2009, HSS, in cooperation with the grantee service providers, implemented program efficiencies in the Former Worker Medical Screening Program to ensure that 10,000 medical screenings continue to be performed each year. HSS also conducts additional outreach efforts to inform former workers of the benefits of the program.

HSS continues to meet the United States' international commitments with the Governments of Russia, the Marshall Islands, Japan, and Spain. In cooperation with the Department of State, HSS is in the process of renewing the Radiation Effects Research agreement between the United States and Russia through 2014 to conduct research of worker and population radiation exposure near Russian nuclear production operations. This research will contribute to improving and validating U.S. and international radiation protection standards and practices. To provide more efficient and effective medical surveillance and treatment to the people of the Marshall Islands exposed to radiation during the U.S. nuclear testing program in the Pacific between 1946-1958, HSS awarded a combined medical care and logistics cooperative agreement integrating previously separate programs under a single management plan while continuing environmental monitoring through the Lawrence Livermore National Laboratory. HSS has strengthened the Department's relationship with the Government of Japan by participating in a high-level review of the Radiation Effects Research Foundation future activities concerning the health status of the survivors of Hiroshima and Nagasaki and effecting the changes needed to provide a higher level of government and public oversight and involvement. In FY 2009, HSS helped end the Department's 41 years of financial obligation for environmental studies associated with the accidental release of nuclear material at Palomares, Spain. HSS will continue to provide technical advice and support to Spain as requested.

To ensure a safer environment for Departmental workers and the public and effective security for National assets entrusted to the Department, as well as meeting commitments to stakeholders

such as Congress and the Defense Nuclear Facilities Safety Board, HSS developed or revised and assisted in the implementation of a variety of safety and security directives. These directives establish clear expectations in such areas as: bio-surety, nanotechnology, worker safety, the protective force, the graded security posture, quality assurance, high performance sustainable building, environmental protection, radiation protection, nuclear safety, nuclear materials packaging, nuclear material control and accountability, and Federal technical capabilities. The issuance of the bio-surety and nanotechnology policies is the culmination of considerable work with Departmental stakeholders to ensure that the Department remains at the forefront of protecting its workforce and the communities surrounding centers where this cutting-edge research is conducted. In FY 2009, HSS is continuing its review of health, safety, and security requirements to identify and document the basis for requirements, and to revise requirements if necessary to ensure that they are performance-based, meaningful, clear, and concise without being overly prescriptive or redundant.

HSS has initiated implementation of the recommendations of the Government Accountability Office (GAO) report GAO-09-61, *Department of Energy Needs to Strengthen its Independent Oversight of Nuclear Facilities and Operations*, as requested in the explanatory statement accompanying the Omnibus Appropriations Act, 2009. Ongoing activities include improving existing oversight and enforcement processes by formalizing and modifying protocols used to monitor, analyze, and respond to nuclear safety activities, and conducting baseline review of the status of nuclear safety bases documentation throughout the Department. A status report will be provided to the Committees on Appropriations later this fiscal year detailing the organizational changes, staff assignments, budget, and actions needed to implement the five recommendations outlined in the GAO report. The strengthening of the Department's nuclear safety programs will continue in FY 2010 through the hiring of additional technical staff and continued integration of HSS policy, assistance, training, oversight, and enforcement disciplines.

HSS, in collaboration with DOE program and site offices, helped the Department achieve a "green" rating for status and progress for all elements of 1) environmental management systems implementation, 2) green purchasing, 3) electronics stewardship, and 4) sustainable green buildings, which are rated in the Office of Management and Budget's *Environmental Stewardship Scorecard*. In addition, HSS continues to support outstanding environmental performance throughout the Department through the DOE Environmental Sustainability (EStar) Awards program. This year, Secretary Chu participated in the ceremony at which eight EStar Awards were presented to projects from across the DOE complex, in addition to three honorable mentions.

The National Training Center (NTC) continues to provide training and professional development services to over 10,000 DOE employees annually. Over the past two years, the NTC has developed, updated, and conducted various security and safety training coursework in such areas as physical security vulnerability, protective force operations and tactics, personnel security management and adjudication, and nuclear safety. The NTC provided leadership training to approximately 160 individuals from NNSA and the DOE Office of Environmental Management in FY 2008 and 2009 as part of the Department's human capital succession planning efforts. In FY 2009, the NTC is partnering with DOE site management, the National Institute of Environmental Health Sciences, and worker union representatives to assess and identify

opportunities for improvements in the Department's safety training processes and courses. The outcome of these efforts will be the development and implementation of standardized, hands-on training for common safety subjects, such as electrical systems lockout/tagout, to increase the effectiveness and efficiency of training throughout the Department. This effort directly supports the Department's Recovery Act activities by ensuring that new employees receive the necessary training in the most cost effective manner to ensure their own and their fellow workers' safety, while minimizing delays in their productivity.

To provide Departmental leadership, line management, and stakeholders with timely information to gauge the success of implementing Departmental safety and security requirements, HSS has established viable safety indicators applicable to the majority of DOE contractor operations. Standard safety indicators are developed from data collected through various reporting mechanisms, analyzed, and provided to senior Departmental management on a quarterly basis. In addition, HSS periodically conducts in-depth assessments on safety topics that challenge the Department. Results are used to focus the Department's attention to prevent adverse events, such as serious injuries or loss of life; overexposures to radiation, hazardous materials, or other hazardous conditions; inadvertent offsite releases of nuclear and non-nuclear materials; nuclear criticality events; and localized fires and explosions that would negatively impact the Department's ability to accomplish its mission. HSS is also taking action to increase the transparency of the Department's safety performance to the public through the use of the Internet and outreach activities.

HSS continued to conduct comprehensive independent oversight appraisals of DOE performance in the areas of safeguards and security; cyber security; emergency management; and environment, safety, and health. Information gained from these appraisals provides Departmental senior management, line management, HSS, and other policy organizations, such as the Office of the Chief Information Officer, the information they need to effect improvements in these programs. In FY 2008, HSS conducted 38 onsite and 12 remote appraisals of DOE, the National Nuclear Security Administration (NNSA), and Power Marketing Administration operations.

The HSS Office of Independent Oversight continues to execute one of the most aggressive and sophisticated cyber security corporate oversight programs in the Federal government, allowing the Department to proactively self-identify and address weaknesses. The cornerstone of cyber security oversight is a rigorous penetration-testing program. In addition to announced external and internal penetration testing of Departmental classified and unclassified networks, HSS conducts unannounced remote penetration testing or "red teaming" of unclassified networks. This activity uses stealthy, methodical, and sophisticated external attacks to test a targeted site's ability to keep attackers from gaining a foothold and migrating further into networked resources. Additional goals of red team assessments are to evaluate intrusion detection and incident response capabilities in a real world setting. As a result of this past year's red teaming efforts, DOE sites that were found to have cyber security weaknesses are in the process of identifying and applying measures that will serve to mitigate such attacks in the future. In addition, lessons learned from red team activities are shared with all facilities throughout the Department.

HSS promotes overall improvement in the Department's safety and security programs through management and implementation of the DOE enforcement programs that are required under 10 C.F.R. Part 820, *Procedural Rules for DOE Nuclear Activities*; Part 824, *Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations*; and Part 851, *Worker Health and Safety Program*. HSS has fully integrated the classified information security and worker health and safety enforcement programs into the more established enforcement processes for nuclear safety (Price-Anderson Amendments Act). HSS is maximizing the use of all available enforcement mechanisms such as notices of violations (NOVs), enforcement letters, special report orders, program reviews, and corrective action monitoring to fulfill its enforcement responsibilities. In FY 2008, the HSS issued ten enforcement actions in the form of NOVs, compliance orders, and special report orders. Notably, HSS issued the first enforcement action for worker safety under 10 C.F.R. Part 851. HSS also issued and monitored the response to several enforcement letters, with the goal of promulgating improvements and correcting deficient conditions before a significant event or violation occurred. To date in FY 2009, HSS has issued five NOVs – four for worker safety and health and one for nuclear safety violations. Several enforcement investigations are ongoing, including the highly publicized case of the theft of classified matter at the East Tennessee Technology Park.

In support of the American Recovery and Reinvestment Act of 2009 (Recovery Act), HSS performed a review of approximately 160 two-page summaries of proposed DOE Recovery Act projects to identify potential health, safety, cyber security, and “greening” issues associated with project startup and implementation. Greening issues included improving efficiencies in the use of energy and water, and reducing or eliminating the acquisition, use, and release of toxic and hazardous chemicals and materials. The health, safety, and greening reviews focused on those proposals for projects pertaining to building and/or operating a facility, upgrading existing infrastructure, and performing research and development on a new process. HSS provided both project-specific and overall suggestions and comments regarding the sites' use of existing integrated safety management systems to ensure proper oversight of new and/or expanded processes and to ensure the safety of the influx of new workers unfamiliar with DOE safety practices, procedures, and requirements. Cyber security reviews for Recovery Act projects focused on those that might produce electronic databases or other electronic information mechanisms to be posted on the Internet for public dissemination. In those cases, HSS provided information to ensure that project leads are aware of existing DOE requirements pertaining to such activities.

The HSS security technology deployment program continues to serve a critical need, across all Departmental security programs, for leveraging millions of dollars previously invested by DoD, the intelligence community, and other agencies for the deployment of proven security technologies. HSS functions as the technical lead and corporate catalyst for deployment of effective and affordable security technologies to reduce duplication of effort and provide lessons learned throughout the complex. Using safety and security experts, HSS continued full-scale deployment of new security technology systems at three major DOE facilities in FY 2008 and 2009, allowing HSS and the facility to evaluate these deployed systems. This evaluation will be applied to benefit other Departmental sites in a cost-effective and timely manner without significant increases in protective force staffing. In FY 2008 and 2009, HSS and NNSA established the Technology Deployment Integration Center, at the Nevada Test Site, to evaluate

technology performance, safety, human factors, maintenance, and system integration issues before a specific technology is deployed at other DOE locations. HSS also established the Security Technology Information Archive at the Oak Ridge National Laboratory for the collection and dissemination of critical security technology information and lessons learned. This Archive links DOE and NNSA safety and security elements and has been expanded to include DoD and other Federal agencies' databases, thereby reducing the potential for costly duplication of effort, government-wide.

HSS, through its Office of Departmental Personnel Security, has implemented several initiatives to provide consistent implementation of personnel security requirements throughout the Department. HSS is now a full participant in the Joint Security and Suitability Reform Team (JRT)<sup>1</sup> and the Suitability and Security Clearance Performance Accountability Committee, with the goal of improving suitability and security clearance processes and ensuring uniformity, centralization, efficiency, effectiveness, and timeliness throughout the U.S. Government. In alignment with JRT initiatives, HSS has implemented use of information technology strategies that utilize and adapt existing systems to reduce duplication and enhance reciprocity while focusing on quality, service, and cost. HSS now submits all security clearance requests to the Office of Personnel Management for investigations through the Electronic Questionnaires for Investigations Processing (eQIP) system, reducing by half the time it takes to prepare clearance packages and reducing overall error and rejection rates. In addition, HSS has implemented electronic delivery of completed investigation reports to DOE personnel security offices, further increasing the overall efficiency of the process.

HSS has developed and provided standardized training to all DOE personnel security staff in FY 2008. In addition, HSS is implementing a professional education and certification program that will enable personnel adjudicators to assess character and human behavior more effectively. Also in FY 2008, HSS developed and implemented a peer review program in which case files at each program location are reviewed by personnel staff from other locations to provide quality assurance and oversight, identify operational differences, and establish best practices throughout the agency. HSS is currently developing proposed revisions to 10 C.F.R. Part 710, *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*, that will – among other things – align adjudicative guidelines for use in rendering DOE clearance determinations with National Security Council standards.

## FY 2010 BUDGET REQUEST OVERVIEW

The HSS FY 2010 budget request of \$449,882,000 includes \$337,757,000 for the Health, Safety and Security Program and \$112,125,000 for Program Direction. A summary of the activities to be conducted in FY 2010 with the requested funding is as follows.

**Health and Safety Policy, Standards, and Guidance (\$3,625,000):** DOE issues policy, standards, and guidance to ensure that workers and the public, property, and the environment are

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<sup>1</sup> Comprising the Office of the Director of National Intelligence, DoD, the Office of Personnel Management, the Office of the Assistant to the President for National Security Affairs, and the Office of Management and Budget.

protected from the common industrial and unique hazards of DOE activities. Policy, standards, and guidance take into account the nuclear, chemical, and industrial hazards posed by DOE operations and strive to be current with worldwide technologies, knowledge, and experience. Although environmental compliance programs at DOE sites are driven by U.S. Federal, state, and local regulations, HSS provides corporate direction and assistance on environmental matters to DOE sites, especially in the areas of pollution prevention and environmental management systems implementation. In FY 2009, HSS continued its review of all safety directives to identify the basis for all requirements to ensure that they are performance-based, meaningful, clear, and concise. Also in FY 2009, in response to a GAO report on strengthening DOE nuclear safety oversight, HSS implemented measures to enhance and better define its internal processes, organizational responsibilities and operational awareness to improve implementation of DOE nuclear safety requirements. For example, HSS increased its review of safety bases to ensure that DOE line management effectively carries out its responsibilities to review safety bases for new nuclear facilities and significant modifications to existing facilities. The FY 2010 budget request provides for HSS to:

- Continue implementation of 10 C.F.R. Part 851, *Worker Safety and Health Program*
- Issue a new directive on the safe handling of unbound engineered nanoparticles to address health and safety practices employed at the Department's laboratories for this new and expanding area of research
- Assist DOE operating units in implementing the requirements of the DOE directives issued in FY 2009 pertaining to expectations for the approval of biological agent facilities and select agent work at DOE sites, and update the Department's radiation protection practices to reflect the current state of knowledge and practice in radiological science
- Continue implementation of the Federal Employee Occupational Safety and Health program via training, guidance, and other communications methods
- Continue assisting DOE sites in implementing environmental management systems and environmental compliance management improvement plans
- Continue implementation of the human performance improvement initiative to identify and correct the organizational and cultural factors that increase the potential for human error to cause accidents that interrupt accomplishment of mission
- Support the development and issuance of 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, guidance, and tools, including those related to implementation of environmental management system requirements under the new Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, as well as those for continued compliance with environmental laws
- Continue to support training for nuclear executive leadership, senior technical safety managers, and environment, safety, and health project managers
- Update worker safety and nuclear safety directives and guidance to provide consistency and address the gaps, redundancies, and needed improvements identified during the Departmental directives review process
- Maintain the information exchange with the Institute of Nuclear Power Operations to maintain equivalency of DOE's nuclear safety requirements and guidance with those of the commercial nuclear industry.

**DOE-Wide Environment, Safety, and Health Programs (\$3,575,000):** DOE-wide environment, safety, and health programs support 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; techniques to identify, evaluate, and eliminate hazards; methods for reducing or eliminating the release of pollutants; and the identification of potentially beneficial technologies and innovative adaptations of existing practices. In FY 2009, HSS supported outstanding environmental performance throughout the Department by presenting eight DOE Environmental Sustainability (*EStar*) Awards to projects from across the DOE complex program. The FY 2010 budget request provides for HSS to:

- Continue providing assurance that worker radiation exposures are accurately determined through the DOE laboratory accreditation program
- Prepare the Annual DOE Occupational Radiation Exposure Report
- Increase the number of sites participating in the DOE voluntary protection program, thereby increasing the number of workers benefiting from the program's focus on worker protection
- Promote and issue environmental sustainability (*EStar*) awards for exemplary sustainability practices and performance
- Assist sites in maintaining safe operations throughout the lifecycle of their nuclear facilities
- Assist in the implementation of environmental management systems and provide status reports to the EPA
- Continue to strengthen the implementation of the enforcement program by integrating enforcement protocols for both nuclear and worker safety and health
- Continue to improve the non-compliance tracking system to strengthen report generation and address feedback received from end users.

**Corporate Safety Programs (\$7,619,000):** Corporate safety programs serve a cross-cutting safety function for the Department and its stakeholders by ensuring 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 (including the corrective action management program), the High Efficiency Air Particulate Filter Test Facility, the facility safety program (including accident investigation program and corporate safety basis), the safety and security enforcement program, and the analytical services program. The FY 2010 budget request provides for HSS to:

- Strengthen trending and analysis of DOE's safety performance, and report on safety performance using the corporate safety performance indicators
- Communicate feedback and improvement information throughout the Department via the operating experience program
- Continue improving the DOE quality assurance program through updated directives, assessments, technical assistance, and the corrective action management program
- Operate and maintain the High Efficiency Particulate Air Filter Test Facility and resolve the trend of increased high efficiency particulate air filter failures in 2008 due to manufacturer defects prior to use at DOE facilities
- Conduct Type A investigations for serious incidents and oversee the conduct of Type B investigations via the accident investigation program



- Continue implementation of the nuclear safety, worker health and safety, and classified information security enforcement programs
- Implement the analytical services program by developing corporate-level environmental sampling protocols and conducting quality assurance audits of the environmental laboratories that support sites' environmental compliance programs
- Analyze the effectiveness of site's programs for identifying suspect or counterfeit items and prepare the DOE Annual Suspect or Counterfeit Items Activities Report
- Participate in operational readiness reviews and readiness assessments, and the associated program training, at Category 1, 2, and 3 nuclear facilities prior to the startup or restart of those facilities
- Implement the program for handling differing professional opinions on technical issues related to environment, safety, and health activities
- Fund the Federal Energy Regulatory Commission to conduct periodic structural integrity inspections of DOE dams and other water retention/detention structures
- Enhance outreach efforts to DOE management, workers, unions, and other stakeholders to address complex health, safety, environment, and security issues.

**Nuclear Safety (\$1,000,000):** In FY 2009, HSS initiated implementation of the recommendations contained in the GAO report GAO-09-61, *Department of Energy Needs to Strengthen its Independent Oversight of Nuclear Facilities and Operations*, as requested in the explanatory statement accompanying the Omnibus Appropriations Act, 2009. Activities undertaken in FY 2009 pertained to improving existing oversight and enforcement processes by formalizing and modifying processes used to monitor, analyze, and respond to nuclear safety activities, and conducting baseline reviews of the status of nuclear safety bases documentation throughout the Department. The funding identified here and in Program Direction will be used to implement the enhanced processes developed and/or modified based on the reviews conducted in FY 2009. Efforts to continue in FY 2010 include the following:

HSS will do more to review the implementation of safety bases and ensure that DOE line management effectively carries out its responsibilities to review safety bases, particularly for new nuclear facilities and significant modifications to existing facilities, by:

- Ensuring that the HSS Office of Enforcement regularly reviews the status of DOE facilities' compliance with technical safety requirements and identifies trends for potential enforcement follow-up
- Placing a higher priority on new or substantially modified nuclear facilities when developing schedules for independent oversight inspections and other oversight activities
- Reviewing plans of action and reports pursuant to DOE Order 425.1 C, *Startup and Restart of Nuclear Facilities*.

HSS will do more to complement DOE line management functions and corporately monitor the status of safety bases by:

- Assessing corporate safety basis tracking needs beyond the current baseline and, based on those needs, developing plans, processes, and documentation to build a knowledge system (such as a database or an annually updated safety basis list) that both supports internal management needs and informs the public

- Revising and enhancing DOE Guide 424.1-1A, *Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements*, to consolidate and update guidance on the use of justifications for continued operations.

HSS will increase its onsite presence through improvements to its inspections, enforcement investigations, and other performance evaluation processes; provide appropriate levels of follow-up on corrective actions; and provide information to support oversight and enforcement by:

- Better integrating the enforcement and independent oversight functions currently performed by the HSS Office of Enforcement and Office of Independent Oversight to enhance the capabilities to facilitate improvements in safety management at DOE sites
- Developing other limited-scope independent oversight mechanisms for nuclear safety that complement existing HSS environment, safety and health inspections, and documenting them in a suitable HSS process (e.g., inspection protocol or standard operating procedure) consistent with DOE Order 470.2B, *Independent Oversight and Performance Assurance Program*
- Documenting and communicating (including posting on the HSS Internet website) the full range of HSS oversight activities, and routinely analyzing this information to refine oversight priorities and use of resources.

HSS will strengthen the enforcement program through better use of available tools and better integration with the independent oversight program. To meet this goal, HSS will revise the *Enforcement Process Overview* and associated internal standard operating practices to increase flexibility in the use of consent orders and to provide for the more effective use of enforcement letters, consent orders, and severity level III citations as potential enforcement actions for lower-significance nuclear safety violations.

HSS will ensure that to the extent possible in accordance with applicable security requirements, unclassified appraisal reports are made available to the public by placing reports on the HSS Internet web site and updating the site as new reports are developed.

**Health Programs (\$47,802,000):** Health Programs support domestic and international health studies, including the Former Worker Medical Screening 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 DOE workers and the public surrounding DOE sites. The benefits of these projects and programs include discovering and documenting health effect outcomes that provide the scientific basis for the national and international worker protection policy and standards that DOE uses to provide the levels of protection appropriate for the risks posed to workers by hazards present at DOE sites. Funding provides for the conduct of approximately 10,000 medical screenings per year to former workers through clinics near their residences. In FY 2009 HSS, in cooperation with the Department of State, is renewing (to 2014) the Radiation Effects Research agreement between the United States and Russia to conduct research on worker and population radiation exposure near Russian nuclear production operations for the purpose of improving and validating U.S. and international radiation protection standards and practices. HSS has awarded the Marshall Islands Special Medical Care and Logistics Program cooperative agreement, which integrates previously separate but highly interrelated medical and logistics programs, under a single management plan to provide more

efficient and effective environmental monitoring for the Enewetak, Bikini, Rongelap, and Utrok atolls, as well as medical surveillance and treatment for the people of the Enewetak and Rongelap atolls in the Marshall Islands. HSS has also strengthened the Department's relationship with the Government of Japan by co-sponsoring a high-level review of the Radiation Effects Research Foundation, established to monitor the health of survivors of the Hiroshima and Nagasaki detonations, to better define future activities; and by assisting with the transformation to a Public Interest Foundation, as required under a recent change in Japanese law, to provide a higher level of government and public oversight and involvement. The FY 2010 budget request provides for HSS to:

- Continue conducting 10,000 medical screenings each year for former workers to identify potential health issues
- Continue activities to provide computed tomography scans for former workers at each of the three gaseous diffusion plant sites for the purpose of early lung cancer detection
- Provide rapid medical expertise, response, and physician training, via the Radiation Emergency Accident Center and Training Site, in response to accidental exposure to radiation
- Collect and analyze medical and industrial hygiene data on current workers exposed to beryllium, plutonium, and other hazards
- Complete a mortality study of Fernald workers and a case control study of multiple myeloma at the Oak Ridge Gaseous Diffusion Plant
- Publish final public health assessments for Los Alamos National Laboratory and the Savannah River Site, and conduct public health education activities relating to these sites and to the Oak Ridge Reservation, Brookhaven National Laboratory, and the Hanford Site
- Implement the health-related aspects of the human reliability program designed to ensure that certain individuals who occupy positions affording access to certain materials, nuclear explosive devices, facilities, and programs meet high standards for trustworthiness, dependability, and physical and mental reliability
- Continue conducting studies to determine the effect of DOE operations on surrounding populations and communities
- Conduct international health and environmental monitoring programs associated with:
  - The atomic blasts above Japan via the Radiation Effects Research Foundation
  - Assistance to the Marshall Islands in resettlement, medical surveillance, and cancer treatment
  - The health of workers of and communities near a nuclear weapons production facility in Russia's southern Ural Mountains.

**Employee Compensation Program (\$8,500,000):** This activity funds DOE's efforts in support of the implementation of the DOL Energy Employees Occupational Illness Compensation Program Act (EEOICPA). DOE assists DOL, 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 under the EEOICPA. In FY 2008, DOE responded to 16,638 individual record requests and six large-scale records research projects from DOL and NIOSH. The FY 2010 budget request provides for HSS to:

- Process up to 19,000 individual record requests and eight large-scale projects by DOL, the NIOSH, and the Advisory Board on Radiation and Worker Health to support worker claims in a timely manner
- Maintain DOE site profiles that NIOSH uses to reconstruct exposure matrices
- Maintain continuous communication and coordination with DOL and NIOSH through weekly conference calls and periodic meetings with the Advisory Board on Radiation and Worker Health
- Work with line management to identify field contacts to improve program implementation
- Increase efforts to recover records that could assist current and former workers in pursuing EEOICPA claims
- Maintain the database of the more than 343 “covered facilities,” which include DOE facilities, atomic weapons employers, and beryllium vendors whose employees are eligible for benefits under the EEOICPA
- Facilitate DOL access necessary to support the DOL initiative to develop a site exposure matrix detailing the hazards and potential resulting illnesses for each DOE site
- Implement new activities to improve coordination and interface between the DOE Former Worker Medical Screening Program and EEOICPA activities to increase the efficiency and timeliness of providing benefits to eligible personnel who may have been harmed as a result of working at a DOE facility.

**Safety and Security Training (\$16,656,000):** Funding supports development and maintenance of 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. The FY 2010 budget request provides for HSS to:

- Increase focus on the interface between safety and security training
- Enhance tactical response force courses by providing performance-oriented training
- Conduct professional development courses emphasizing leadership and management
- Conduct safety and security training needs assessment surveys to identify training requirements for new security and/or safety technologies
- Enhance safety training Department-wide by developing and presenting new safety courses
- Expand the safety awareness of the Department’s senior executives through nuclear executive leadership training.

**Security Operational Support (\$12,652,000):** Security operational support activities provide technical expertise to support the implementation of Department-wide security requirements. HSS has initiated a review of all security directives (orders and manuals) to identify drivers, eliminate unnecessary requirements, and shift toward performance-based requirements to provide meaningful, clear, concise directives that are not overly prescriptive or duplicative. HSS also examined and evaluated innovative vulnerability assessment methodologies and techniques to promote more effective evaluation of sites’ security postures. In FY 2009, HSS moved the Nuclear Materials Management and Safeguards System (NMMSS) from Atlanta, GA, to Washington, D.C. in order to consolidate activities under the DOE Headquarters physical security infrastructure. The FY 2010 budget request provides for HSS to:

- Continue assisting in implementing the Graded Security Protection Policy and security directives

- Update the regulatory basis for protective force medical, physical fitness, and training requirements/qualifications
- Maintain the security aspects of the human reliability program
- Continue support for sharing methods and products to satisfy regulatory security requirements through the security awareness special interest group
- Maintain security-related data systems, such as the Safeguards and Security Information Management System
- Continue support for the programs that deal with foreign ownership, control or influence and foreign visits and assignments, and their associated data management systems
- Maintain NMMSS and other nuclear and radiological material tracking programs in support of DOE operations, international treaties, and NRC initiatives
- Continue to develop and promulgate polices to further enhance the capabilities of the Department's protective forces
- Provide risk management, vulnerability assessment, and security system performance evaluations, verifications, and validations to help identify and clarify threats to Departmental assets
- Continue technical enhancements to the security risk management framework and processes to promote cost-effective Departmental objectives.

**Headquarters Security Operations (\$31,209,000):** Headquarters security operations support the security protective force and systems that protect and safeguard DOE Headquarters facilities and assets. In FY 2009, HSS renegotiated the protective force contract and implemented additional protective force requirements. The changes include increases in intrusion detection, security surveys, logistics/quality assurance, training, and badging. In addition, HSS continued to replace and upgrade access control equipment to meet Homeland Security Presidential Directive (HSPD)-12 requirements. The FY 2010 budget request provides for HSS to:

- Conduct physical protection and access control operations and programs for DOE activities in the National Capital Area (Washington, D.C. and Germantown, MD)
- Perform technical surveillance countermeasures program activities 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 who have DOE access authorizations, and non-DOE personnel who have unescorted access to DOE Headquarters facilities.

**Security Technology Development and Systems Deployment (\$11,754,000):** The security technology development and systems deployment activity provides technology-based solutions to address known security vulnerabilities throughout the DOE complex. Such technology and systems are considered as alternatives to costly increases in protective force staffing while implementing the Graded Security Protection Policy. Some of these technologies also counter threats for which no other defensive capability exists. This activity identifies and evaluates commercial and military technologies to ensure that system performance is commensurate with operational safety and security requirements before such technologies are purchased and deployed to protect critical national security assets. In FY 2008, HSS met its performance target of developing and delivering for deployment at least two technology-based security systems that have the support of Departmental organizations and will assist in implementing the Graded

Security Protection Policy. The deployed technologies include explosive detection vehicle and personnel portals, response force trackers and duress locators, early warning radar and assessment systems, and integrated command and control software and displays. FY 2010 funding provides for the modification of existing technologies to meet site environmental and system operability requirements, and the deployment of technologies, training, and technical assistance to meet security expectations in the most cost-effective manner possible. Funding also provides for deployment data generation and distribution, including safety and software certifications, performance test metrics, procurement and lifecycle costs, tactical impacts, training materials, and lessons learned. This data will be essential for safe and effective technology deployment.

**Classification, Declassification and Controlled Information (\$10,785,000):** This activity ensures that the Department meets its statutory responsibility under the Atomic Energy Act of 1954 to implement the U.S. Government-wide program to classify and declassify nuclear weapons-related technology (Restricted Data and Formerly Restricted Data), and to implement the requirements of Executive Order 12958, *Classified National Security Information*, to classify other information that is critical to national security (National Security Information). This program also identifies information controlled under statute to protect national security and other governmental, commercial, and private interests. Funding provides for the training and certification of DOE and other U.S. Government department and agency personnel. Funding also provides for the final review of classified DOE documents and documents with DOE equities from all U.S. Government departments and agencies requested under the Freedom of Information Act and under mandatory provisions of Executive Order 12958 to ensure that classified and other controlled information is identified and protected from unauthorized release to the public. Other U.S. Government departments and agencies are prohibited from conducting such reviews under 10 C.F.R. Part 1045, *Nuclear Classification and Declassification*.

**Security Investigations (\$14,880,000):** This activity manages funding for background investigations to provide access authorizations to DOE Headquarters Federal and contractor 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 Executive Order 12968, *Access to Classified Information*. The investigations are performed and access authorizations granted in accordance with 10 C.F.R. Part 710, *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*. In accordance with direction from the Deputy Secretary and the DOE Chief Financial Officer, in agreement with the Under Secretaries, starting in FY 2010 HSS will be responsible for funding security investigations for Headquarters personnel only. The DOE Under Secretaries' program offices will be responsible for funding security investigations for field personnel. Under this approach, each program office must determine its own need for field security investigations.

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 constitute the electronic DOE integrated security system (eDISS+). These electronic tools support and track the adjudication process from the initial application to the final disposition of the access authorization request. Background investigations are performed by the Federal Bureau of

Investigation and/or the Office of Personnel Management by law or DOE requirements. This activity also provides support for performing evaluations and for the Office of Departmental Personnel Security's preparation of decision packages and associated correspondence. Professional-level support is also provided for Headquarters clearance adjudications (case reviews, analysis, and interviewing) and for other support, such as court reporting and consulting physicians, as needed.

**Program Direction (\$112,125,000):** Program Direction provides the salaries, benefits, travel, working capital fund, and other related expenses for the 403 Federal employees in HSS, as well as other resources and associated costs required to support the overall direction and execution of HSS programs. Program Direction provides for implementation of independent oversight activities that evaluate the Department's performance in safeguards and security; cyber security; emergency management; environment, safety, and health; and other subject areas as directed by the Secretary and Deputy Secretary. Funding also supports the activities of the Departmental Representative who provides liaison support for DOE to the Defense Nuclear Facilities Safety Board. This funding also supports leadership to maintain DOE's Facility Representative program, deploys technical expertise to ensure that work throughout the Department is accomplished in a safe and environmentally responsible manner.

The FY 2010 request includes an increase of five Federal full-time equivalent employees to implement nuclear safety activities in response to Government Accountability Office report GAO-09-61, *Department of Energy Needs to Strengthen its Independent Oversight of Nuclear Facilities and Operations*.

**Specialized Security Activities (\$167,700,000):** Funding provides for the identification and communication of information necessary to ensure adequate protection of the Department's national security assets.

## CONCLUDING REMARKS

In conclusion, as the Chief Health, Safety and Security Officer, I am aware of the vital role and significant responsibilities assigned to HSS to ensure the health, safety, and security of DOE workers, surrounding communities, and entrusted National assets as HSS's contribution to the Department's vital scientific, energy, and national security missions.

Last year when I testified before you, I identified priorities for HSS to ensure that we meet our commitment to the Department and our Nation. I believe the accomplishments identified here prove our resolve in addressing those priorities. We will continue to pursue activities that further strengthen the Department's safety and security posture in FY 2010. Toward that end, HSS will focus on:

1. Developing cost-effective solutions for achieving DOE safety performance that approaches "best-in-class" performance. These solutions build upon the foundation of integrated safety management and will be enhanced through such concepts as safety culture, voluntary protection, and environmental management systems.

2. Ensuring rigorous oversight of specified Departmental operations, such as nuclear facilities and nanotechnology research, through increased programmatic assistance, independent oversight, and enforcement presence at such facilities.
3. Honoring the national and Departmental commitment to current and former workers through cost-effective implementation of the Former Worker Medical Screening Program and support to DOE for the EEOICPA Program.
4. Enhancing the protection of national security assets entrusted to the Department through cost-effective security solutions that are consistent with successful mission accomplishment.
5. Continuing a corporate approach of openness and collaboration with management, workers, unions, and other interested parties to address complex health, safety, and security issues.

We are confident that with the continued support of DOE management, our stakeholders, and Congress, we can expand on recent accomplishments and further strengthen the Department's health, safety, and security activities, resulting in an increased assurance that all DOE workers, the public, and our national security assets remain safe and secure.