

DOE Worker Safety and Health Policy

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Office of Worker Safety and Health Policy (AU-11)

July 23, 2018



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10 CFR 851
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10 CFR 835
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Worker Safety

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10 CFR 835
Radiation
Worker Safety

Moriah Ferullo
(on detail)
10 CFR 707
Substance abuse
DOE-HDBK-1092





Worker Safety and Health Policy

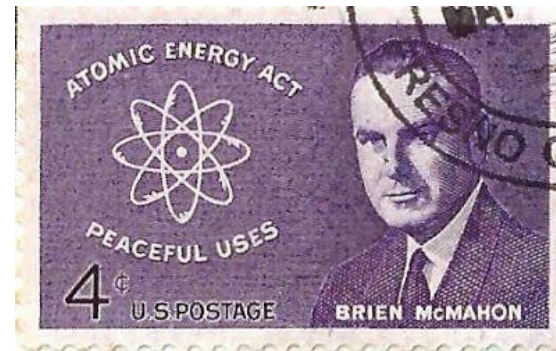
How it All Fits Together

Regulatory Authority



Atomic Energy Act of 1954 (AEA)

Authorizes the self regulation of the Agency, including safety and health.



Workforce and Policy

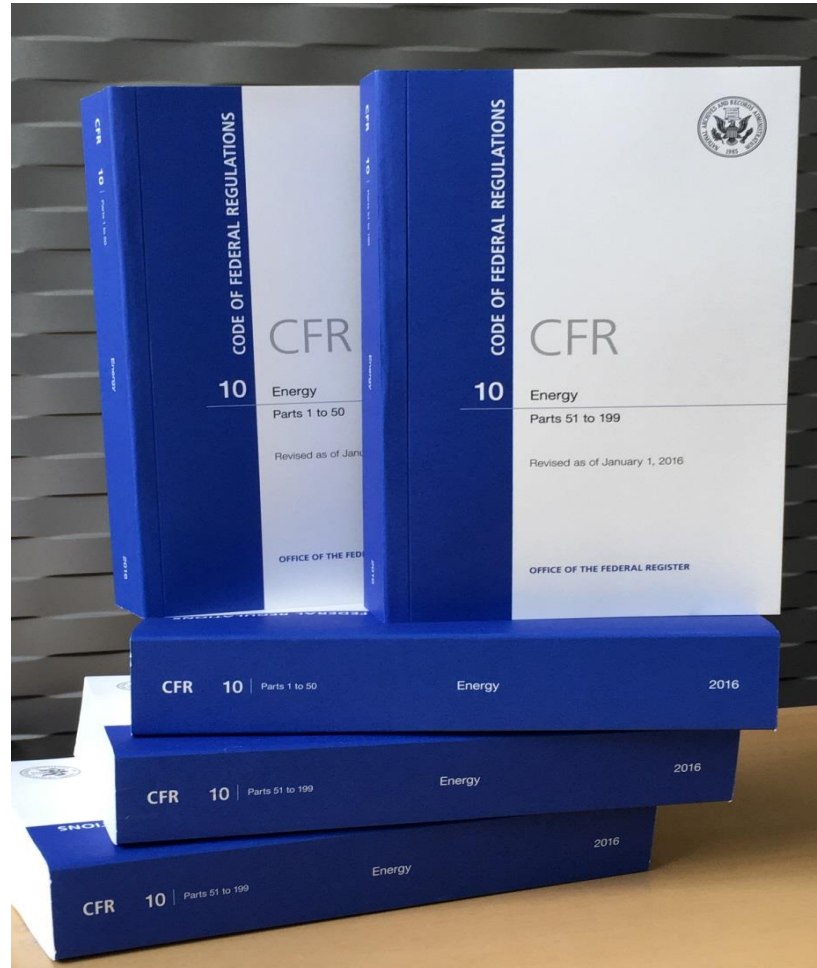
- **DOE Workforce**
 - Federal Employees
 - Contractor Employees
- **DOE Worker Safety and Health Policy**
 - Rules
 - Directives
 - Technical Standards*
 - National Consensus Standards*

*Some are Optional and Some are Required When Incorporated by Reference



Department of Energy Rules: 10 CFR

- CFR- Code of Federal Regulations
- Title 10-Energy
- Chapters- II,III,X



Rules

Administrative Procedures Act (APA) of 1946 (5 U.S.C. §551 *et seq.*)

- Statute that governs how Federal Agencies propose and establish regulations
- Requirements for publishing notices for proposed and final rulemaking in the Federal Register - “Notice and Comment”
- Must provide information on exactly what will be required, i.e., specific dated consensus standard
- Take precedence over directives

DOE Directives

- **Notice**
 - Limited life
 - May contain requirements and CRDs*
 - *Contractor Requirements Document (CRD)
 - Generally mirror Federal Requirements
 - Apply only if in contract
- **Order**
 - Have requirements and may contain CRDs*
- **Policy**
 - High level
 - Contains no requirements
- **Guides**
 - No requirements; can't be incorporated by reference in Directives

Reference: DOE O 251.1D, *Departmental Directives Program*



<http://www.directives.doe.gov>

DIRECTIVES, DELEGATIONS, AND OTHER REQUIREMENTS

Directives

All current, archived and draft Directives



Delegations

Legal instrument used to transfer authority granted to the Secretary of Energy



Other Requirements

Secretarial Memoranda, Policy Memoranda, and Invoked Technical Standards



NEWS & UPDATES

Top 10

All Recently Issued/Updated Documents

Recently Canceled Directives

Recently Rescinded Delegations

Directives Quarterly Updates

New - DOE G 413.3-22, Analysis of Alternatives Guide

New - DOE G 413.3-21A, Cost Estimating Guide

New - DOE P 547.1A, Small Business First Policy

More news

The Directives Program, Office of Management (MA-1.2) has collected Organizations' Assignment of Responsibility that derived from Directives and from the organization's responsible functional areas. In an effort to centralize this collection, they have been posted on the Directives, Delegations, and Requirements website at Organizations Assignments of Responsibility. Those associated with a directive(s) can also be found included with the directive in the "Related Content" section.

<http://www.directives.doe.gov>

DOE Technical Standards*

Developed when a National Consensus Standard does not exist

- Standards – may be used as a requirements document
- Handbooks – information of implementation of a standard

* DOE O 252.1A, *Technical Standards Program*



DOE-HDBK-1092- Next Steps

- AU-11 submit draft proposed revision DOE-HDBK-1092 to Technical Standard Program Manager (TSPM).
- TSPM initiate coordination in TSP RevCom
 - Full Coordination, 60 days, is likely to DOE-HDBK-1092.
- Draft available to TSM through the complex, in RevCom
 - TSM must identify the appropriate person (SME) to review the draft TS.
- AU-11 must respond to and resolve all essential comments,
 - within 30 days
 - provide a redline strikeout version of the final draft DOE-HDBK-1092 to TSPM
- RevCom concurrence notice
 - 10 days.
- AU-11 must resolve all non-concurrences received from commenting organizations TSM before TS may be approved.
- *When non-concurrence cannot be resolved a dispute resolution process is taken. All applicable organizations must concur before DOE TS may be approved to as applicable to that organization.*





DEPARTMENT OF ENERGY TECHNICAL STANDARDS PROGRAM OFFICE OF NUCLEAR SAFETY



Standards



Resources



Archives

NEWS & UPDATES

Top 10

Monthly Status Reports

OMB Annual Reports

Newsletters

Email Alerts

Standard Organizations

RevCom: Proposed Cancellation of DOE-STD-1158-2010, Self-Assessment Standard for Department of Energy (DOE) Contractor Criticality Safety Programs

RevCom: Notice of Intent to Develop Maintenance Management Handbook for DOE Nuclear Facilities

The DOE Technical Standards Program (TSP) promotes the use of voluntary consensus standards, manages and facilitates efforts to develop and maintain necessary technical standards, and communicates information on TSP activities.

- [Technical Standards Procedures](#).

- RevCom
- TSP Resources
- Technical Standards Tools
- References
- Technical Standards Procedures
- Reports
- Help

<http://www.standards.doe.gov>



Variations from Policy

- **Exemption and Equivalency**

- 10 CFR 820- Process outlined in Rule
- 10 CFR 835- issued by AU
- DOE Directives
 - Process outlined in Order, if not, follow guidance in DOE O 251.1D

- **Variance**

- 10 CFR 851 – Subpart D
 - Approved by Under Secretary Following Recommendation by AU



Interpretations and Clarifications

- **Interpretations** – Only issued by GC
- **Technical Clarifications**
 - SME review - issued by AU
 - Worker Safety and Health Response Line
- **SME Opinions**

Worker Safety and Health Program: 10 CFR 851



History 10 CFR 851

Published in 2006

10 CFR Part 851

- Applies to DOE Contractors Only
- Based on DOE O 440.1



Federal Register

Thursday,
February 9, 2006

Part II

**Department of
Energy**

10 CFR Parts 850 and 851
Chronic Beryllium Disease Prevention
Program; Worker Safety and Health
Program; Final Rule

10 CFR 851 Technical Amendment: Standards Incorporated by Reference

10 CFR 851 Technical Amendment: Q&A's

Q & As are posted at EHSS WS&H website at the first bullet under: IMPLEMENTATION ASSISTANCE AND TOOLS at: <https://www.energy.gov/ehss/worker-safety-and-health>

They are also at: <https://orau.org/ihos/doe-worker-safety-health/10-cfr-851.html>, under 10 CFR 851 Technical Amendment: Standards Incorporated by Reference, January 10, 2018 (Federal Register Publication)



Contacts

10 CFR 851 Policy

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Response Line

<http://responseline.doe.gov>



HOME

SUBMIT QUESTION

SEARCH RESPONSES

GENERAL INFORMATION



U.S. DEPARTMENT OF ENERGY

Occupational Safety and Health Regulatory and Policy Response Line

Welcome to the Occupational Safety and Health Regulatory and Policy Response Line (Response Line)

The Response Line is a service maintained by the Office of Worker Safety and Health Policy, AU-11, within the Office of Health and Safety, AU-10. It provides responses to questions from DOE and DOE contractor personnel regarding worker safety and health requirements and guidance.

The information contained in responses are technical clarifications to a DOE Rule or Directive and should only be applied to the specific conditions described in a response. These responses represent the best available technical knowledge available from the Department's subject matter experts and are NOT binding upon the DOE. These responses DO NOT represent approval of a variance, exemption, or equivalence for any requirements.

Requests for exemptions or equivalences for Directives must follow the procedures in the specified Order, or if there are no such procedures in the specified Order, the procedures for exemptions or equivalencies in DOE O 251.1D must be followed. Requests for exemptions from DOE Nuclear Safety Requirements must be submitted in accordance with the requirements of 10 C.F.R. Part 820, Subpart E, and requests for interpretations of the Atomic Energy Act, Nuclear Statutes, and DOE Nuclear Safety Requirements must be submitted in accordance with the



The IH/OS SIG is a network of personnel from the DOE community involved in occupational safety and health (S&H) issues.

The IH/OS SIG provides the DOE community with tools for the development, enhancement, and/or implementation of programs and training designed to improve worker S&H. See <https://orau.org/ihos/index.html>

The IH/OS SIG is sponsored by the DOE Office of Worker Safety and Health Policy and is managed by [Oak Ridge Associated Universities \(ORAU\)](#)

To join the IH/OS SIG contact Deborah McFalls: deborah.mcfalls@orau.org



More Information

Office of Health and Safety:

<https://www.energy.gov/ehss/services/worker-health-and-safety>

Worker Safety and Health Policy:

<https://www.energy.gov/ehss/worker-safety-and-health>



Worker Safety and Health Policy

Questions?