



Department of Energy
Office of Science
Washington, DC 20585
December 1, 2006

MEMORANDUM FOR DISTRIBUTION

FROM: GEORGE J. MALOSH
CHIEF OPERATING OFFICER 

SUBJECT: Office of Science Guidance for the Department of Energy Rule 10 CFR 851, "Worker Safety and Health Program"

REF: Memorandum from D. Erbschloe, Key Provisions and Office of Science Guidance for the Department of Energy Rule 10 CFR 851, "Worker Safety and Health Program", February 21, 2006

As you know, written Worker Safety and Health Programs for your contractors need to be in place and approved by you by May 25, 2007. No work can be performed at your laboratory after this date without an approved plan in place. I want to ensure that all of our sites implement the Rule in a timely manner, and that we have a working process for having variances granted by the Under Secretary for Science, if needed.

To assure successful and consistent implementation across the Office of Science (SC) complex, the attached guidance has been developed to update the referenced interim guidance of February 21, 2006. The guidance provides guidelines for the review and approval of the contractor Worker Safety and Health Programs, description of the variance review process, as well as selected "Frequently Asked Questions" that may be useful for our particular facilities.

I am aware that many of you have requested technical support from the Integrated Service Center for your plan review. I expect the Integrated Service Center to give priority to supporting the site office review and approval of contractors' worker safety and health programs. They are prepared to assist you and have been involved in the development of this guidance. In order to ensure that we can meet our approval deadline, I suggest that you review drafts of your contractors' Worker Safety and Health Programs in a phased approach so as to ensure the program can be approved when submitted. If there are major issues with implementation, please inform me well in advance of the compliance dates.

I expect the SC ES&H Division to coordinate the variance approval process for the SC complex. If your contractor has any variance requests, they need to inform you of their intentions along with their schedule for submission. Please provide



Printed with soy ink on recycled paper

your list of draft variance requests to the SC ES&H Division for coordination purposes by mid January 2007. Final variance requests from the contractors are due to you no later than February 26, 2007. Your office should conduct the initial screening and evaluation of the variance request. Variance requests that meet 10 CFR 851.31(c) criteria should then be reviewed by a review team consisting of subject matter experts from the ISC, site office, and the SC ES&H Division for technical soundness and consistency. Once you are satisfied with the variance requests, forward your request and endorsement to SC-1 through me. We are working with HS on the details of the variance review process, and the ES&H Division will keep you informed on the approval status of your variance requests.

There has been some discussion about what we mean by Field/Site Office Manager Approval. Field/Site Office Manager Approval means the manager is reasonably assured that the contractor's written Worker Safety and Health Program describes the methods by which the contractor will comply with the applicable rule requirements, provides for a safe and healthful workplace, and can be implemented and integrated with other programs and management systems. The approval does not validate each functional element or referenced method of the contractor's Worker Safety and Health Program. This validation is a continual programmatic oversight function of the field element. Approval of any variances, equivalencies, and/or lists of closure facility hazards and controls may occur after the submittal of the contractor's written program.

If you have any questions, please contact Barry Parks or Jay Larson at (301) 903-6800.

Attachments (3)

DISTRIBUTION:

G. Boyd, Manager, Oak Ridge Office
R. Wunderlich, Manager, Chicago Office
M. Martinez, Acting Manager, Ames Site Office
C. Zook, Acting Manager, Argonne Site Office
A. Richards, Manager, Berkeley Site Office and Stanford Site Office
M. Holland, Manager, Brookhaven Site Office
J. Livengood, Manager, Fermi Site Office
J. Moore, Acting Assistant Manager for Science, Oak Ridge Office
J. Faul, Manager, Princeton Site Office
J. Erickson, Acting Manager, Pacific Northwest Site Office
J. Turi, Manager, Thomas Jefferson Site Office