



# **10 CFR 851 Workshop Break-out Group**

- Three sub-group break-out topics
  - Subcontracting
  - Legacy Electrical Systems
  - Dated Standards & Requirements



## **Team Representation**

- Paduca, HS-32 Office of Analysis, LSO, Fluor, Fermi, INL, NST, LANL, SNL, Pantex, LBNL, NE-43, DOE SR, ORP Hanford

# 10 CFR 851 Issues- Subcontracting

## ■ Contract Language

- Involvement in §851 compliance language (partnering w/Procurement).
- Oversight to Pre-IOC/Contr. Perf. (pre-bid/post award).
- Role in contractor qualifications (**ESH is a resource , not a COP!**).

## ■ Control Of Sub-Tier

- Assure flowdown of applicable requirements.
  - R<sup>2</sup>A<sup>2</sup>
- Subject contractor worker to,
  - ID of existing hazards
  - ID and comm of co-existing hazards
  - ID and comm of transient hazards



# **10 CFR 851 Issues- Subcontracting**

- Vendor Work/Services
  - Common thresholds- service contr:vendor services
  - One-time only installations
  
- Education/Research/User Facilities

# 10 CFR 851 Issues- Subcontracting

## ■ Recommendations/Actions

What is the EFCOG path forward?

- Common Approaches/Best Practice
- Communications pathways (**Established via EFCOG-COE**)
  - EFCOG Workgroup- Best practices, Benchmarks.
  - DOE/NNSA partnering
    - EFCOG Composite Workgroup
      - Electrical WG
      - Price Anderson WG
      - EFCOG Exec Council
      - ISMS WG
  - Excellence in subcontractor electrical safety practices.



10CFR851

LEGACY ISSUES



# **10CFR851 REQUIREMENTS**

- 1. IDENTIFY ELECTRICAL HAZARDS**
- 2. PRIORITIZE AND IMPLEMENT ABATEMENT**
- 3. IMPLEMENT INTERIM PROTECTIVE MEASURES**
- 4. SELECT HAZARD CONTROLS**



# **LEGACY ISSUES AFFECTING WORKER SAFETY**

1. AGING INFRASTRUCTURE
2. REACTIVE VS. PROACTIVE
3. IDENTIFY UNKNOWN ELECTRICAL HAZARDS
4. SYSTEM CONFIGURATION DOCUMENTATION
5. BALANCE BETWEEN PROGRAMMATIC PRESSURES AND SAFETY

# **RECOMMENDATIONS**

- **ALIGNMENT OF LEGACY ISSUES WITH PRESIDENTIAL AND TEAM (DOE) INITIATIVES**
- **TAKING ADVANTAGE OF EXISTING DOE EFFICIENCY PROGRAMS TO ACCOMPLISH GOALS.**
  - **REDUCE ENERGY CONSUMPTION BY 30% (3% PER YEAR)**
  - **REDUCE H2O CONSUMPTION BY 16%**
  - **INCREASE AWARENESS OF EXISTING FUNDED PROGRAMS**
  - **CAPTURE EFFICIENCIES OF PROGRAMMATIC INITIATIVES WITH SIMILIAR GOALS.**



# **RECOMMENDATIONS**

- **ENCOURAGE PERFORMANCE BASED INITIATIVE (PBI)**
  - **TIE LEGACY ISSUES TO PBI**
- **CROSS FUNCTIONAL ORGANIZATION COMMUNICATION ON AN ONGOING BASIS.**



# **RECOMMENDATIONS**

**5. ACCOUNTING PRACTICES NEED TO BE VISITED TO IMPROVE EFFICIENCY.**

# 10 CFR 851 Dated Standards Issues



## Federal Register

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Thursday,  
February 9, 2006

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Part II

**Department of  
Energy**

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

# 10 CFR 851 Dated Standards Issues

## § 851.23 Safety and health standards.

(a) Contractors must comply with the following safety and health standards that are applicable to the hazards at their covered workplace:

(13) **NFPA) 70**, “National Electrical Code,” **(2005)**

(14) **NFPA 70E**, “Standard for Electrical Safety in the Workplace,” **(2004)**

(b) Nothing in this part must be construed as relieving a contractor from complying with any **additional** specific safety and health requirement that it determines to be necessary to protect the safety and health of workers.

# 10 CFR 851 Dated Standards Issues

## IV. Section-by-Section Discussion of Comments and Rule Provisions

### Section 851.23—Workplace Safety and Health Standards

While contractors must meet the standards listed in section 851.23(a), **they are free to comply with more recent editions** of the standards **as long as the provisions** of the more recent standards **are at least protective** as the edition specified in the final rule.

# 10 CFR 851 Dated Standards Issues

**PROBLEM: 10 CFR 851 invokes specific dated versions of electrical safety standards (and others) that have been superseded.**

***We understand that 10 CFR 851 is about*  
*WORKER SAFETY***

- Local Jurisdictions Adoption of Codes/Standards
- Dual Standard Enforcement
- Liability & Cost
- Complex Wide Inconsistencies in Application
- Inconsistent Assessments/Inspections
- Inconsistent Approach Regarding Adoption of Revised Codes/Standards

# 10 CFR 851 Dated Standards Issues

- Local Jurisdictions Adoption of Codes/Standards

Local Authorities and Jurisdictions are currently in the process of adopting updated versions of codes/standards which will put contractors in conflict with compliance with the dated standards in 10 CFR 851

- Dual Standard Enforcement

DOE stated at the last EFCOG meeting that the current cited electrical codes/standards in 10 CFR 851 and future revisions of these standards would both be invoked.

- Liability & Cost

If a Contractor voluntarily elects to adopt a newer revision (different than what is cited in 10 CFR 851) of a dated standard – they assume the liability and cost associated with implementation

# 10 CFR 851 Dated Standards Issues

Differing electrical safety codes/standards will be applied internally as well as across the DOE complex which will create additional confusion in how to apply electrical safety

- Inconsistent Assessments/Inspections

Inconsistent 851 assessments/inspections across the DOE complex in light of local codes/standards will increase time spend defending irrelevant/inconsistent electrical issues

- Costly Approach Regarding Adoption of Revised Codes/Standards

Redundant/costly approach for each contractor to be responsible to make interpretive decisions regarding how to adopt revised codes and standards that differ from those cited in 10 CFR 851

# 10 CFR 851 Dated Standards Issues

## RECOMMENDATIONS:

1. **SHORT TERM** - Share GAP Analysis of new code/standard implementation on the Center of Excellence EFCOG Website
2. **LONG TERM** - EFCOG petition DOE-HQ for consistent direction regarding periodic revisions to dated electrical safety codes/standards in 10 CFR 851

## IV. Section-by-Section Discussion of Comments and Rule Provisions

Section 851.23—Workplace Safety and Health Standards

**In future rulemakings, DOE will consider the need for updating the referenced standards**

# Future and Related 10 CFR 851 Dated Standards Issues

1. 2009 – Revision of NPFA 70E “Standard for Electrical Safety in the Workplace,” **(2004)**
2. ANSI Z49.1, “Safety in Welding, Cutting and Allied Processes,” sections 4.3 and E4.3 **(1999)**
3. ACGIH “Threshold Limit Values (TLV) for Chemical Substances and Physical Agents and Biological Exposure Indices,” when the ACGIH TLVs are lower (more protective) than permissible exposure limits in 29 CFR part 1910 (note that when the ACGIH TLVs are used as exposure limits, contractors must nonetheless comply with the other provisions of any applicable expanded health standard found in 29 CFR Part 1910)