

**Supporting Statement:  
Reporting and recordkeeping Requirements for Safety Management System  
OMB Control Number 1910-5103**

**1. Explain the circumstances that make the collection of information necessary.**

A number of statutes and regulations require the Department to protect the safety and health of contractor employees at its nuclear, as well as non-nuclear, facilities. In particular, the Defense Nuclear Facilities Safety Board, created by Congress in 1988, provides external, independent oversight of all nuclear safety activities within the Department's defense nuclear weapons facilities. In response to the Board's Recommendation 95-2, Integrated Safety Management, the Department developed a clause for its management and operating contracts requiring submission of a documented Safety Management System. Safety was defined to include environment, safety and health. The clause requires documentation of the contractor's safety management system for approval by the Department. (See the attached clause.)

**2. Indicate how, by whom, and for what purpose the information is to be used.**

The information will be used by the environment, safety, and health officials at the Department's field offices to establish agreements between the contractors and the Department on how the contractors will ensure the protection of employees, the public and the environment.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.**

Contractors are authorized to submit information to the Department electronically, e.g., Internet, E-mail, computer disk, or facsimile.

**4. Describe efforts to identify duplication.**

This information is customized for the particular Department site facility where the contractor is located, the contractor's staff and operation, and the technical requirements specified in the contract. There is no other known source of duplication.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

No small businesses are impacted because the Department's management contractors are large businesses or large university or nonprofit institutions.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Not collecting the information or reducing the collection may result in violations of safety, health, or environmental statutes or regulations. The health and well being of contractor employees as well as property or adjacent communities could be adversely affected. Violations could also lead to criminal or civil penalties.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The regulation is consistent with the guidelines issued by OMB.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE.**

The Department published a notice of proposed rulemaking on March 28, 2006 with a request for public comment. A public hearing on the proposed rule was also scheduled, but was canceled because of a lack of public response. These actions solicited comments on the information collection as required by 5 CFR 1320.d (d). No comments were received.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

None are applicable.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

No confidential information is solicited in the information collection.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no collections in this package involving questions of a sensitive, personal, or private nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.**

The estimated burden, expressed in burden hours, is based on estimates by expert personnel familiar with these collections. Preparation of an initial safety management system description will usually be a one-time action completed at the start of a contract. The clause also requires contractors to review the description and provide annual updates to the Department. The updates are not a new requirement and have been a part of the Department's planning and budgeting process. The estimated burden therefore excludes the updates. The 36 contracts affected are each negotiated for a five-year period. It is estimated that on average annually, 20% or approximately 7 will have initial system documentation. Computations are based on the number of respondents times the annual reporting frequency times the hours for each response.

The annual burden of this package is estimated to be:

$(7 \text{ respondents/year}) \times (1 \text{ documentation}) \times (350 \text{ hours/respondent}) = 2450 \text{ hours}$

The cost associated with these burden hours is estimated to be \$245,000 annually  
(2450 hours x \$100/hour).

**13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

The Department believes that there are no additional costs to respondents other than the burden hours for reporting.

**14. Provide estimates of annualized cost to the Federal government.**

The Department uses standard cost data for determining the estimated annualized cost of its information collections.

The estimated annualized cost to the Department for the information in this package is based on an assumed standard cost of \$48 per burden hour. This standard cost is based on the General Services Administration formula in determining government paperwork and report cost, and is based on an estimate of \$ 30 per hour labor cost (GS-13), an additional 30% for employee fringe benefits, and an additional 30% overhead cost.

Using these standard cost, the annualized cost of this package is

Government cost at \$48/per hour: \$117,600

**15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.**

This package will not change the current OMB ceiling.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

There are no current plans to publish any reported information.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable.

**18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.**

The Department has taken no exceptions to the certification statement on OMB Form 83-I.

## Contract Clause Imposing Burden

### DEAR 970.5223-1 Integration of environment, safety, and health into work planning and execution.

As prescribed in 48 CFR 970.2303-2(a), insert the following clause:

#### **INTEGRATION OF ENVIRONMENT, SAFETY, AND HEALTH INTO WORK PLANNING AND EXECUTION (DEC 2000)**

(a) For the purposes of this clause,

(1) Safety encompasses environment, safety and health, including pollution prevention and waste minimization; and

(2) Employees include subcontractor employees.

(b) In performing work under this contract, the contractor shall perform work safely, in a manner that ensures adequate protection for employees, the public, and the environment, and shall be accountable for the safe performance of work. The contractor shall exercise a degree of care commensurate with the work and the associated hazards. The contractor shall ensure that management of environment, safety and health (ES&H) functions and activities becomes an integral but visible part of the contractor's work planning and execution processes. The contractor shall, in the performance of work, ensure that:

(1) Line management is responsible for the protection of employees, the public, and the environment. Line management includes those contractor and subcontractor employees managing or supervising employees performing work.

(2) Clear and unambiguous lines of authority and responsibility for ensuring (ES&H) are established and maintained at all organizational levels.

(3) Personnel possess the experience, knowledge, skills, and abilities that are necessary to discharge their responsibilities.

(4) Resources are effectively allocated to address ES&H, programmatic, and operational considerations. Protecting employees, the public, and the environment is a priority whenever activities are planned and performed.

(5) Before work is performed, the associated hazards are evaluated and an agreed-upon set of ES&H standards and requirements are established which, if properly implemented, provide adequate assurance that employees, the public, and the environment are protected from adverse consequences.

(6) Administrative and engineering controls to prevent and mitigate hazards are tailored to the work being performed and associated hazards. Emphasis should be on designing the work and/or controls to reduce or eliminate the hazards and to prevent accidents and unplanned releases and exposures.

(7) The conditions and requirements to be satisfied for operations to be initiated and conducted are established and agreed-upon by DOE and the contractor. These agreed-upon conditions and requirements are requirements of the contract and binding upon the contractor. The extent of documentation and level of authority for agreement shall be tailored to the complexity and hazards associated with the work and shall be established in a Safety Management System.

(c) The contractor shall manage and perform work in accordance with a documented Safety Management System (System) that fulfills all conditions in paragraph (b) of this clause at a minimum. Documentation of the System shall describe how the contractor will:

- (1) Define the scope of work;
- (2) Identify and analyze hazards associated with the work;
- (3) Develop and implement hazard controls;
- (4) Perform work within controls; and
- (5) Provide feedback on adequacy of controls and continue to improve safety management.

(d) The System shall describe how the contractor will establish, document, and implement safety performance objectives, performance measures, and commitments in response to DOE program and budget execution guidance while maintaining the integrity of the System. The System shall also describe how the contractor will measure system effectiveness.

(e) The contractor shall submit to the contracting officer documentation of its System for review and approval. Dates for submittal, discussions, and revisions to the System will be established by the contracting officer. Guidance on the preparation, content, review, and approval of the System will be provided by the contracting officer. On an annual basis, the contractor shall review and update, for DOE approval, its safety performance objectives, performance measures, and commitments consistent with and in response to DOE's program and budget execution guidance and direction. Resources shall be identified and allocated to meet the safety objectives and performance commitments as well as maintain the integrity of the entire System. Accordingly, the System shall be integrated with the contractor's business processes for work planning, budgeting, authorization, execution, and change control.

(f) The contractor shall comply with, and assist the Department of Energy in complying with, ES&H requirements of all applicable laws and regulations, and applicable directives identified in the clause of this contract entitled "Laws, Regulations, and DOE Directives." The contractor shall cooperate with Federal and non-Federal agencies having jurisdiction over ES&H matters under this contract.

(g) The contractor shall promptly evaluate and resolve any noncompliance with applicable ES&H requirements and the System. If the contractor fails to provide resolution or if, at any time, the contractor's acts or failure to act causes substantial harm or an imminent danger to the environment or health and safety of employees or the public, the contracting officer may issue an order stopping work in whole or in part. Any stop work order issued by a contracting officer under this clause (or issued by the contractor to a subcontractor in accordance with paragraph (i) of this clause) shall be without prejudice to any other legal or contractual rights of the Government. In the event that the contracting officer issues a stop work order, an order authorizing the resumption of the work may be issued at the discretion of the contracting officer. The contractor shall not be entitled to an extension of time or additional fee or damages by reason of, or in connection with, any work stoppage ordered in accordance with this clause.

(h) Regardless of the performer of the work, the contractor is responsible for compliance with the ES&H requirements applicable to this contract. The contractor is responsible for flowing down the ES&H requirements applicable to this contract to subcontracts at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

(i) The contractor shall include a clause substantially the same as this clause in subcontracts involving complex or hazardous work on site at a DOE-owned or -leased facility. Such subcontracts shall provide for the right to

stop work under the conditions described in paragraph (g) of this clause. Depending on the complexity and hazards associated with the work, the contractor may choose not to require the subcontractor to submit a Safety Management System for the contractor's review and approval.

(End of Clause) [Final rule, 65 FR 80994, 12/22/2000, effective 1/22/2001]

