

Supporting Statement

Environment, Safety and Health OMB Control Number - 1910-0300

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Environment, Safety and Health. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

This package contains information collections that are used by Departmental management to exercise management oversight and control over Management and Operating (M&O) contractors of DOE's Government-Owned Contractor-Operated (GOCO) facilities, and offsite contractors. The contractor management oversight and control function concerns the ways in which DOE contractors provide goods and services for DOE organizations and activities in accordance with the terms of their contract; the applicable statutory, regulatory and mission support requirements of the Department; and regulations in the functional area covered by this package.

The basic authority for these collections is the statute establishing the Department of Energy ("Department of Energy Organization Act," Public Law 95-91, of August 4, 1977) which vests the Secretary of Energy with the executive direction and management functions, authority and responsibilities for the Department, including contract management. Under the provisions of 42 USC 7254 and 42 USC 7256 (a) the Secretary of Energy is authorized to prescribe such procedural and administrative rules including information collections pertaining to management of DOE programs or contracts deemed necessary or appropriate.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection**

The information obtained from DOE contractors by this information collection is used by Department management at the appropriate levels to manage the work pertaining to environment, safety and health throughout DOE and will include automated reporting of information into the following systems:

Computerized Accident/Incident Reporting System (CAIRS) – The CAIRS is a database used to collect and analyze DOE and DOE contractor reports of injuries, illnesses, and other accidents that occur during DOE operations as described in DOE O 231.1A, Environment, Safety

and Health Reporting and associated manual. This system contains information from reporting contractors and subcontractors.

Occurrence Reporting and Processing System – The Department of Energy’s Occurrence Reporting System permits timely notification to the DOE complex of events that could adversely affect public or DOE worker health and safety, the environment operations of DOE facilities. The Occurrence Reporting Program, including the Occurrence Reporting and Processing System (ORPS) requirements, are described in DOE O 231.1A, Environment, Safety and Health Reporting and associated manual.

Noncompliance Tracking System – The Noncompliance Tracking System (NTS), is a web-based system used by DOE contractors to report nuclear and worker safety and health noncompliant events as described in 10 C.F.R. 820 and 10 C.F.R. 851. The NTS is the primary source to identify which events warrant enforcement action in the areas of worker safety and health and nuclear safety and is used as an analytical tool to provide trending and analysis of DOE-wide and site noncompliant events. DOE contractor line management tracks to closure the corrective actions in each report. The corrective actions are approved by DOE Field Elements and investigators in the Office of Worker Safety and Health and the Office of Price-Anderson Enforcement.

Radiation Exposure Monitoring System – This is a database of occupational radiation exposures for all monitored DOE employees, contractors, subcontractors and members of the public. The Rule 10 CFR 835 702 (a) and (b) requires Annual Individual Radiation Exposure Records to be recorded, and reported to the Radiation Exposure Monitoring System Repository according to procedures provided in DOE Order 231.1A and DOE M 231.1-1A, Environment, Safety and Health Reporting and associated manual (Chapter 3 and Appendix G).

Annual Fire Protection Summary Application – This system contains information from reporting contractors and subcontractors for an Annual Fire Protection Program Summary (AFPPS). The AFPPS report is required by section 5a.(8) of DOE Order 231.1A, Environment, Safety and Health Reporting. An automation initiative was undertaken to streamline data collection and provide a more thorough review of DOE Reporting Element activities. The Department of Energy’s Fire Protection Program is multi-faceted. It includes published fire safety directives (Orders, standards, and guidance documents), a range of oversight activities, an annual fire protection program summary, and a directory of fire safety professionals. DOE also sponsors fire safety conferences, various training initiatives, and a spectrum of technical assistance activities.

Safety Basis Information System – Subpart B of 10 CFR Part 830, *Nuclear Safety Management* requires contractors and operators of DOE hazard category 1, 2, and 3 nuclear facilities to develop and maintain a Safety Basis for each facility and to perform work in accordance with that Safety Basis. DOE contractors and operators have been updating their Safety Bases to be consistent with the new Subpart B. In Appendix A to Subpart B of 10 CFR Part 830, DOE committed to provide members of the public and with up-to-date information on its nuclear facility Safety Bases. The Safety Basis Information System was created to meet this requirement

and also to provide DOE line managers with a tool for obtaining regularly updated profiles of the entire inventory of Safety Bases for hazard category 1, 2, and 3 DOE nuclear facilities.

Accident Investigation System – This system contains reports for Type A and Type B (and Special Reports). Type A investigation is conducted for the more serious accidents and is appointed and managed by the Office of Health, Safety and Security. Type B investigation is appointed and managed by the Field level organizations. However, the elements of the investigation and the report format are the same. Accident investigations categorized as either Type A or Type B.

Corrective Action Management Program (CAMP) – CAMP outlines the purpose, background, process, requirements, and guidance for addressing/resolving ES&H-related findings or judgments of need identified during Type A accident investigations, HSS independent oversight assessments, Office of Management aviation management and safety assessments, and other sources as directed by the Secretary or Deputy Secretary.

Lessons Learned System – This system supports and promotes the integration and sharing of information both internally and externally to DOE in order to prevent adverse operating incidents and improve operational safety awareness. Lessons learned are developed from significant and recurring events, operational emergencies and good work practices to meet the requirements of DOE O. 210.2, DOE Corporate Operating Experience Program. Information is facilitated through the DOE Corporate Lessons Learned database which is designed to collect and share operating experiences throughout the DOE complex.

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, e.g., permitting electronic submission of responses.

Within existing budget and resource constraints, Department program managers and contractors continually work to apply the latest appropriate-level information technology (hardware and software) to reduce the contractor's information collection burden and improve the timeliness and usefulness of the management information being collected. This includes automation of previously manual processes, where appropriate.

4. Describe efforts to identify duplication.

The collection in this package are applicable to contract management in DOE, collected by DOE to respond to interagency requests, or collected from business and citizens for national security purposes. Therefore, meaningful duplication of these collections in other agencies is unlikely.

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

This information collection will not have a significant economic impact on small businesses or small entities. The impact of the collection of information from small business is considered in the development of the contract requirements and documents and is minimized to the extent permitted by applicable statutory requirements and other legal and management constraints.

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.

If the collection is not conducted for the safety and health information or events concerning DOE employees, the public, environment, and DOE facilities, then, the injury or accident rates may increase due to lack of reporting. Lack of reporting provides insufficient information for trending and root cause analyses, therefore, recurrence will occur. As a result, the Federal safety and health programs and policies may not be effective if the information collection (reporting) is not conducted.

The frequency of collection is dictated by sound management practice, external laws and regulations, requirements of interagency reports, and Departmental orders and requirements. When any of these conditions change to permit reduction of the frequency of information collections, the reduction is made and the contract documents are changed accordingly.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The collections contained in the package are consistent with Title 5 Code of Federal Regulations and OMB guidelines.

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 to obtain their views on the availability of data, frequency of collection, the clarity of instructions and

recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on February 26, 2009, volume 74, number 37, page 8784. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

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

There is no remuneration given for submission of any of the information other than the fact that the expense of responding is treated as an allowable cost.

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

The sensitivity of information provided by respondents is assured by the Department's practices in accordance with the following statute, regulation, and policies.

- Privacy Act of 1974, as amended
- DOE Order 206.1, "Department of Energy Privacy Program", 1/16/09
- DOE Order 205.1A, "Department of Energy Cyber Security Management", 12/04/06
- DOE Order 200.2, "Information Collection Management Program", 10/11/06
- DOE Order 231.1A, "Environment, Safety, and Health Reporting", 06/03/04
- DOE Order 414.1C, Quality Assurance, Attachment 4, 6/17/05
- DOE O. 210.2, DOE Corporate Operating Experience Program, 6/12/06

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. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not collect information pertaining to sexual behavior, attitudes, and religious beliefs.

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. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

The FY 2006 Estimated Annual Burden Hours (195,000) was reported incorrectly through an error in calculation. In addition, with the inclusion of the Lessons Learned System, the FY 2003 and FY

2006 data was generated from historic database records. The correct number that should have been reported should have been 170,370 estimated annual burden hours. Despite the discrepancy in reporting on the FY 2006 estimated annual burden hours, it did not have an impact on the estimated annual burden hours for each Collection reported.

The FY 2009 Estimated Annual Burden Hours, expressed in burden hours, is the sum of the burden reported by Departmental elements and Field organizations as compiled from their respective contractors or estimated by expert personnel familiar with these collections. The recordkeeping tasks are part of the reporting process and their burden hours are included in the collection burden estimates. The attached spreadsheet provides detail information for each collection. Using these calculations, the consolidated annual burden of this package is 69,560 hours.

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

Not applicable. Zero cost.

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

Not applicable. Zero cost.

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

The FY 2006 Estimated Annual Burden Hours (88,000) was an estimate based on the following assumption. In FY 2006 and previous years, DOE sites were responding to changes in SubPart B of 10 CFR 830 and an initiative to capture historical safety basis knowledge (e.g.; documents related to nuclear facility safety standards and certifications). The FY 2006 and prior year estimates included burden hours for the collection of historical knowledge and the changes to Part B. Another driver in the reductions of burden hours from prior reports (FY 2006 and earlier) reflects decontamination and decommissioning of nuclear facilities within DOE (for example the closure of the Rocky Flats facility in October 2005). The reduction of hours to 8,960 in the FY 2009 submission reflects additional closures of nuclear facilities within the Department and the hours associated with maintaining the established safety basis information required to be reported in support of the requirements in SubPart B of 10 CFR 830. Similarly, the Estimated Annual Burden Hours (16,000) was overestimated in FY2006 for the Accident Investigation System. These estimated hours were based on the wrong assumption that the respondents' burden hours would include the investigation hours as well. Thus, the FY 2009 estimated burden hours has been reduced to 240.

Overall, the FY 2006 Estimated Annual Burden Hours (195,000) was also reported incorrectly through an error in calculation in 2006. In addition, with the inclusion of the Lessons Learned System, the FY 2003 and FY 2006 data was generated from historic database records. The correct number that should have been reported should have been 170,370 estimated annual burden hours. Despite the discrepancy in reporting on the FY 2006 estimated annual burden hours, it did not have an impact on the estimated annual burden hours for each Collection reported, thus the package has

been reduced by 125,440 burden hours. Partially, this reduction is a result of the implementation of information technology to electronically collect the information. The Office of Health, Safety and Security in response to one of the President's Management Agenda items, *Expanded Electronic Government*, improved the design and capabilities of several systems that collect and report information. Web enabling technology was implemented that permitted improved processing, tighter security, and better integration. A major Department Directive was modified that included reporting threshold changes and elimination of unnecessary approval steps. These changes and improvements contributed to the overall reduction of the number of annual burden hours as estimated for FY 2009 and beyond.

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

This package contains no collections whose results will be published for statistical use.

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.

The Department is not seeking approval to not display the expiration date for OMB approval of the information collections contained in this package.

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

The Department of Energy is not requesting any exceptions to the certification statement provided in Item 19 of OMB Form 83-I.