

851 Implementation at Pantex

*Panel Presentation prepared for a
Videoconference arranged by HS-11
August 29, 2007*



1.0 Presentation Outline

1. **Intro and Context (2 min): Dave Rowlett, SOMD**
2. **Subcontractor's Perspective (10min): Eddy Hankins, Missouri Valley**
3. **Safety and IH Implementation (2min): Dick Prather, S&IH**
4. **Procurement Challenges (2min): Gere Jester, Procurement**
5. **Pantex Approach-Development of NTS and Variance (2min): Dennis Cook, Legal**
6. **Logistics and Liability Concerns (Summary-1min): Dave Rowlett, SOMD**
7. **Q&A (10min): ALL**
8. **Wrap-Up: Bill Mairson, ESHS Division Manager**



1.1 Pantex Context

- ❑ Unique Mission: Manufacturing Site
- ❑ 3500 employees, 85% in HRP
- ❑ Near Amarillo, TX: Population: 180,000
- ❑ Plant Infrastructure: Bulk 1940's-50's era
- ❑ Construction to replace/upgrade
- ❑ Contracts typically \$100K-\$500K (few above)
- ❑ Few Bidders (even before 851)
- ❑ Subcontractors: Focus of Videoconference



2.0 Subcontractor's Perspective

Eddy Hankins

Shannon Lusk

Missouri Valley, Inc. (10min)



3.0 Safety and IH Implementation

□ Review of Safety Plans

- *Per 10 CFR 851.21 (a)(4) pre-evaluation*
- *Per 10 CFR 851 App. A Construction Safety*

□ Graded Approach: *based on hazard*

□ Can meet OSHA, and fail 851 test

- *What is “comprehensive program?”*



4.0 Procurement Challenges

□ Market Conditions

- Limited local resources and capacity
- Difficult to recruit
- Limited competition

□ Small Business Perspective

- Cost prohibitive
- Decline to bid
- Small Business Subcontracting Plan impacted



5.0 Pantex Approach

- Three Options Considered
- Option Selected & Rationale
- Development of NTS and Variance
- Flow-Down, Graded Approach



6.0 Logistics and Liability Issues

□ Logistics & Admin Concerns:

- Tracking Workers (30 day threshold/firm-firm)
- Records tracking through Contractual tiers
- Notification of workers in tiered contracts
- Assigning responsibility: *whose record is it?*
- Records Admin: *how long to keep it, where?*
- Access of External Providers: *clearances?*
- Burden: *no economy of scale for smaller firm.*



6.1 Logistics and Liability Issues

□ Liability Concerns:

- Contractual Privity: *can I direct his worker?*
- Consent to Treat: *can I treat his worker?*
- Medical Malpractice: *am I covered?*
- Determining “fitness”: *can I fire his worker?*
- Wellness & EAP: *determine his benefits?*
- Coemployment: *when is he now my worker?*



7.0 Questions and Answers

- The Presenters are Happy to Entertain Questions in their Areas of Expertise...
 - Dave Rowlett, SOMD
 - Dennis Cook, Legal
 - Gere Jester, Procurement
 - Dick Prather, Safety and IH
 - Eddy Hankins, Missouri Valley



8.0 Wrap-Up

Bill Mairson, Division Manger
Emergency, Safety, and Health Services
BWXT Pantex

