



Department of Energy
Washington, DC

June 27, 2007

Mr. Bob French
Program Manager
Parsons SB-1 Office
1080 Silver Bluff Road
Aiken, SC 29803
(803) 502-9516 (tel.)
Bob.French@parsons.com

Re: Parsons' Request for Interpretive Ruling Under 10 C.F.R. § 851.7

Dear Mr. French:

This is in response to your April 16, 2007 letter requesting a binding interpretive ruling as to whether Parsons Infrastructure and Technology Group (Parsons) is subject to the Department of Energy's (DOE's) Worker Safety and Health Program Regulation, 10 CFR 851 (Part 851) for work at the facilities described below.¹

ISSUE

Parsons conducts testing activities at Barnwell Processing Facility (Barnwell) and the Aiken Technical College (ATC). Do these facilities comprise "DOE Sites" such that Parsons is subject to DOE's Worker Safety and Health Program Regulation, 10 CFR § 851 (Part 851) for the conduct of contractor activities at Barnwell and ATC?

BRIEF ANSWER

No, Barnwell and ATC do not comprise DOE Sites as defined by 10 CFR § 851.3 and, as such, Parsons is not subject to the provisions of Part 851 for the conduct of contractor activities at these locations.²

BACKGROUND and ANALYSIS

On February 9, 2006, DOE promulgated Part 851, which sets forth comprehensive worker safety and health program requirements for DOE contractors and their workers who operate at "workplaces at DOE Sites."³

¹ See Parsons Letter re: Request for Interpretive Ruling Under 10 CFR 851 for Testing Facilities (April 16, 2007) (Parsons Letter).

² See § 851.1 (scope and purpose), § 851.3 (definitions).

³ See § 851.1.



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Section 851.3 defines "DOE Site" as a "DOE-owned or -leased area or location or other area or location controlled by DOE where activities and operations are performed at one or more facilities or places by a contractor in furtherance of a DOE mission." DOE Sites include not just areas leased and owned by DOE but also areas that DOE controls.⁴

Parsons conducts testing activities, in support of the DOE Savannah River mission, for the Salt Waste Processing Facility (SWPF) at two commercial facilities not owned or leased by DOE. These facilities are: (1) Barnwell in Barnwell County, South Carolina; and (2) ATC in Aiken County, South Carolina. Parsons is using the ATC space under a lease agreement with ATC.⁵ Parsons is using Barnwell without a lease. Further, the Barnwell facility is owned by Energy Solutions.⁶

DOE neither owns nor leases Barnwell or ATC. Having reviewed Parsons' April 16, 2007 letter, the relevant provisions of Parsons' lease with ATC and Parsons' Contract with DOE, DOE has found no evidence that Barnwell and ATC are "location[s] controlled" by DOE.⁷ For these reasons, neither Barnwell nor ATC are DOE Sites and Parsons is not subject to Part 851 for contractor activities at these facilities.

CONCLUSION

For the reasons given above and pursuant to its authority under 10 CFR § 851.7, DOE hereby issues an interpretive ruling that Parsons, a DOE contractor, is not subject to Part 851 for contractor activities at Barnwell and ATC because those facilities are not DOE sites as defined by 10 CFR § 851.3. DOE issues this binding interpretive ruling based on the facts specific to Barnwell and ATC where Parsons conducts contractor activities. This ruling does not apply to Parsons' activities at other areas, nor is it applicable to any party other than Parsons.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Diamond", written in a cursive style.

Bruce Diamond
Assistant General Counsel for Environment

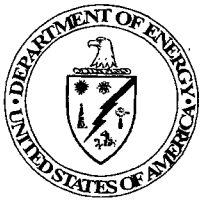
Cc: Jeffrey Allison, Manager, Department of Energy, Savannah River Site
Lucy Knowles, Chief Counsel, Department of Energy, Savannah River Site

⁴ See § 851.3; *DOE Guidance on Who Must Comply With 10 CFR Part 851*, Answer to Question 3 ("unless DOE controls the contractor leased site, the workplace would not be a DOE site . . .").

⁵ See Parsons Letter

⁶ See Parsons Letter.

⁷ See Parsons Letter; Lease Agreement between Parsons and ATC (Oct. 25, 2006); Contract with DOE (No. DE-AC09-02SR22210).



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