

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 "Office areas" as described below.¹

ISSUE

Do the Office areas where Parsons, a DOE contractor, conducts design and project support activities 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 the Office areas?

BRIEF ANSWER

No, the Office areas 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 the Office areas.²

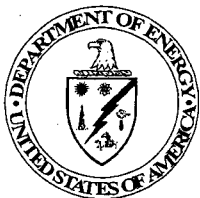
BACKGROUND and ANALYSIS

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

¹ See Parsons Letter re: Request for Interpretive Ruling Under 10 CFR 851 for Office 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 design and project support activities, in support of the DOE Savannah River mission, for the Salt Waste Processing Facility (SWPF) at Office areas in Aiken, South Carolina. These Office areas are not owned or leased by DOE. Further, having reviewed Parsons' April 16, 2007 letter, the relevant provisions of Parsons' leases for the Office areas and Parsons' Contract with DOE, DOE has found no evidence that the Office Areas are "location[s] controlled" by DOE.⁵ For these reasons, the Office areas are not DOE Sites and Parsons is not subject to Part 851 with respect to contractor activities at these areas.

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 the Office areas in Aiken, South Carolina, 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 the Office areas 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", is written over a horizontal line.

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
Jeff Galan, Attorney-Adviser, Department of Energy, Savannah River Site
Tony Weadock, Acting Director, Office of Enforcement, Office of Health, Safety and Security

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; Lease between Parsons and Trammell *et al.* (Mar. 1, 2004); Lease between Parsons and Centennial Partnership LLC; and Parsons' Contract No. DE-AC09-02SR22210 with DOE.



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Bill McArthur, Supervisory Industrial Hygienist, Office of Worker, Safety and Health