



Department of Energy
Washington, DC 20585

Van —
Barry *BB*
Jay *JF*

January 28, 2005

MEMORANDUM FOR: MR. ROBERT C. WUNDERLICH
AREA MANAGER, ARGONNE
ARGONNE AREA OFFICE

FROM: RAYMOND J. HARDWICK, JR. *RJ Hardwick*
DEPUTY ASSISTANT SECRETARY
OFFICE OF FACILITY SAFETY

SUBJECT: Regulatory Authority over Occupational Safety and Health
of the Ricketts Regional Biocontainment Laboratory

In accordance with the July 27, 2000, Memorandum of Understanding on Safety and Health Enforcement at Privatized Facilities and Operations between the Occupational Safety and Health Administration (OSHA) and the Department of Energy (DOE), OSHA will assume regulatory authority over occupational safety and health of employees during construction and operation of the Ricketts Regional Biocontainment Laboratory (RBL). OSHA authority over the Ricketts RBL will continue for the duration of the land lease between DOE and the University of Chicago.

The attached letter dated November 17, 2004 from the Assistant Secretary for Occupational Safety and Health, Department of Labor, documents OSHA's acceptance of regulatory authority for the Ricketts RBL. OSHA will publish a notice in the Federal Register to inform the public of this decision.

If I can be of further assistance in this matter please don't hesitate to contact me at (202) 586-9024.

cc w/encl.:

J. Shaw, EH-1
R. Shearer, EH-1
R. Orbach, SC-1
J. Decker, SC-1
P. Dehmer, SC-10
L. Dever, SC-80
R. Henderson, GC-52
B. McRae, GC-52
A. Duran, ME-90
D. Green, CH



U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



NOV 17 2004

Mr. Raymond J. Hardwick, Jr.
Deputy Assistant Secretary
United States Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Mr. Hardwick:

This letter is an update to our interim response of February 10, 2004 to your letter dated November 24, 2003, which notified the Occupational Safety and Health Administration (OSHA) of the Department of Energy's (DOE) intent to lease land to the University of Chicago for the purpose of building and operating the Ricketts Regional Biocontainment Laboratory (RBL).

In accordance with the July 27, 2000 Memorandum of Understanding on Safety and Health Enforcement at Privatized Facilities and Operations between OSHA and DOE, OSHA has reviewed the information provided by DOE and met with the representative from the University of Chicago and Argonne National Laboratory-East. Based on this information, we understand that the University of Chicago, a private enterprise, will own and operate the RBL and DOE will not have any contractual relationship with the University relating to this facility. The radiological dose to workers will be less than 25 mrem/year from all DOE sources. DOE will not exercise statutory authority to enforce standards or regulations affecting the safety and health of employees for the construction and operation of RBL.

OSHA has concluded that the terms set forth in the 2000 MOU have been met. Therefore, OSHA will assume regulatory authority over occupational safety and health of employees during the construction and operation of the Ricketts RBL for the duration of the land lease between DOE and the University of Chicago as agreed upon in this MOU. A notice will be published in the Federal Register notifying the public of the Occupational Safety and Health Administration's authority over this site.

Sincerely,

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

John L. Henshaw

Enclosures

1. Hardwick letter dated November 24, 2003
2. OSHA interim letter dated February 10, 2004
3. MOU on Privatized Facilities dated July 27, 2000