

February 26, 2007

**Re: U.S. Department of Energy's Worker Safety & Health Program, 10 C.F.R. § 851**

Dear Subcontractor:

The U.S. Department of Energy (DOE) has officially announced a federal regulation (10 C.F.R. § 851, *Worker Safety & Health Program*) requiring its contractors and their subcontractors to have a Worker Safety & Health Program with the goal to reduce or prevent occupational injuries, illnesses, and accidental losses by providing DOE contractors and their workers with safe and healthy workplaces at DOE sites. The regulation also allows DOE to assign civil penalties to ORAU and/or our subcontractors at any tier for failure to comply with applicable requirements. This regulation became effective on February 9, 2007 with contractors having until May 25, 2007 to have a DOE approved Worker Safety & Health Program in place in order to continue to provide services on-site at DOE facilities.

As required by the regulation, ORAU will be submitting a Worker Safety & Health Program Description for covered sites at ORAU to DOE for their approval by February 26, 2007. The Description will apply to ORAU operations and activities, including those of our subcontractors and lower-tier subcontractors at the ORISE facilities on our South Campus located on Bethel Valley Road, at REAC/TS located at the Methodist Medical Center, and at the Atmospheric Turbulence and Diffusion Laboratories located on Illinois Avenue, all in Oak Ridge, TN. ORAU's current Integrated Safety Management (ISM) practices which you currently are subject to under our contracting agreements are compliant with the requirements of the new regulations except in the areas of vehicle and electrical safety, which are being addressed now. The remaining area of concern is the requirement for workers at all tiers who meet certain on-site requirements to be covered by an Occupational Medicine program. DOE guidance in this area is forthcoming. Until that guidance is received and ORAU and its contractors have the opportunity to comply, we are requesting a variance from the requirement, as are many other DOE prime contractors. A copy of ORAU's Worker Safety & Health Program Description will be available to you upon its submittal.

As stated above, most of the health and safety requirements in 10 C.F.R. § 851 are already incorporated in our health and safety programs and are a part of your current contract with ORAU. Depending upon your scope of work, the new regulations may require your existing subcontract to be modified to reflect the new requirements.

ORAU continues to emphasize worker safety and health in everything we do. We believe that ZERO IS ACHIEVABLE. Our goal continues to be zero accidents, incidents, and operational defects. As a team member, you are an important element in our achieving that goal. Together, we can provide our workers with the healthful and safe work environment we all deserve, and we can fully comply with the new regulations.

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DOE and the local prime contractors have been working on implementation of the new regulations and have made the regulations, implementation guides, and answers to frequently asked questions available on their public websites. As the implementation process progresses, ORAU will issue more information to you. If you have questions about the program and how it impacts you and your operations, please address them to Mr. Robert Kapolka, Director, Environmental Safety & Health, Oak Ridge Associated Universities; 865.576.3339 or [robert.kapolka@orise.orau.gov](mailto:robert.kapolka@orise.orau.gov). We will respond as quickly and as forthrightly as possible.

Sincerely,

Contract Specialist

LPR:eaw

c: Contract File