

January 24, 2007

Subcontractor Name  
Address

Dear Subcontractor:

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

The U. S. Department of Energy (DOE) has officially announced a federal regulation (10 C.F.R. § 851, *Worker Safety and Health Program*) requiring its contractors and their subcontractors to have a Worker Safety and Health Program that reduces or prevents 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 UT-Battelle and/or our subcontractors at any tier for failure to comply with applicable requirements. This regulation becomes effective on February 9, 2007.

As required by the regulation, UT-Battelle will be submitting a Worker Safety and Health Program Description (WSHPD) for ORNL to DOE for their approval by February 26, 2007. The WSHPD will apply to UT-Battelle operations and activities, including those of our subcontractors and lower-tier subcontractors. Our submittal of the WSHPD enables you to address your obligations to comply with this regulation. A copy of the draft WSHPD is available from the ORNL web site at [http://www.ornl.gov/adm/contracts/ornl\\_851wsh.htm](http://www.ornl.gov/adm/contracts/ornl_851wsh.htm).

Most of the health and safety requirements in 10 C.F.R. § 851 are already part of the current ORNL health and safety program and, consequently, have been incorporated into your current subcontract with UT-Battelle. However, the new regulation does contain some additional health and safety standards that, depending on your scope of work, may require your existing subcontract to be modified to reflect these requirements. If your subcontract requires modification, you will be contacted by the Subcontract Administrator and asked to provide a response on how you intend to comply with the subcontract changes.

It is UT-Battelle's position that all injuries are preventable. It is important to us that all work performed by us or for us is accomplished in a manner that is protective of workers. We will continue to enforce provisions of the contract that hold subcontractors responsible for their safety performance. It is our responsibility to work together to ensure the health and safety of our respective employees and to meet the requirements of 10 C.F.R. § 851. We continue to expect you to report incidents of non-compliances with safety and health requirements and injuries to us as required by your subcontract.

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The Oak Ridge Business Safety Partnership (ORBSP), chaired by the Energy, Technology, and Energy Business Association (ETEBA), is hosting a forum at 8:30 a.m. January 31, 2007, at the American Museum of Science & Energy to discuss this new regulation. Local DOE representatives will be presenting information about the regulation at this forum. Further information regarding the regulation can be found at <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>.

If you have questions, please submit them at [http://www.ornl.gov/adm/contracts/ornl\\_851wsh.htm](http://www.ornl.gov/adm/contracts/ornl_851wsh.htm). We will be compiling a "Frequently Asked Questions" section on our Web Site to address your questions.

Sincerely,



Jerome K. Hicks  
Director, Contracts

JKH:ac

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