



Department of Energy
Washington, DC 20585

November 5, 2012

Mr. Thomas H. Zarges
President
URS E&C Holdings Incorporated
7800 East Union Avenue, Suite 100
Denver, Colorado 80237

WEL-2012-04

Dear Mr. Zarges:

The Office of Health, Safety and Security's Office of Enforcement and Oversight evaluated a series of fall protection occurrences associated with URS E&C Holdings Incorporated's (URS) operations at the Department of Energy (DOE) Separations Process Research Unit (SPRU) Disposition Project (DP) in Niskayuna, New York. These occurrences took place between November 2011 and July 2012, and included an event involving a URS employee working close to a second floor wall opening in building G2 at SPRU on July 9, 2012. On July 19, 2012, URS reported the noncompliances associated with the July 9 fall hazard event into DOE's Noncompliance Tracking System (NTS) report NTS--SPRU-URSWD-2012-0001, *Noncompliance with Fall Protection Requirements*.

Concurrently, the DOE SPRU Field Office issued to URS several DOE Activity Observation Reports that documented the noncompliances associated with this event and nine other fall protection occurrences in the previous nine months. URS performed an apparent cause analysis that included a review of these fall protection occurrences at SPRU DP. In addition, the DOE SPRU Field Office has conveyed concerns to URS about the company's ability to meet expectations for noncompliance self-identification, trending, and corrective action management.

The Office of Enforcement and Oversight's review of the events revealed deficiencies in meeting fall protection requirements in 29 C.F.R. Part 1926, Subpart M, *Fall Protection*, and SPRU DP document No. SPRU-ESH-001, *Environmental, Safety and Health, Elevated Work, Section 3*. SPRU-ESH-001 establishes the policy and minimum requirements for the fall protection program at SPRU DP. DOE believes that noncompliances revealed by these events represent an opportunity for URS to address programmatic and repetitive fall protection problems, as well as to strengthen corrective action and trending processes, extent-of-condition reviews, and assessment activities, before the noncompliances lead to significant adverse events. The Office of Enforcement



and Oversight provides the following reporting, work planning, workplace assessment, and hazard control observations:

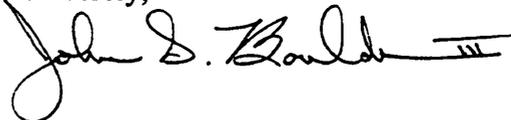
- URS indicated in NTS--SPRU-URSWD-2012-0001 that the July 9 event was the only noncompliance with fall protection requirements identified at SPRU in the previous 18 months. However, the SPRU Field Office reported in an Activity Observation Report a substantially similar occurrence involving a worker exposure to an unprotected wall opening on July 2, 2012, in building G2. Collectively, these events reveal deficiencies that meet the DOE criteria for a *repetitive* noncompliance and could have been considered for reporting into NTS.
- URS did not evaluate each noncompliant fall protection occurrence before the July 9 event to determine whether the occurrences collectively represented broader administrative or management problems in contractor fall protection program implementation that could be reportable as a *programmatic* noncompliance.
- URS did not appropriately identify and analyze existing and potential hazards and implement the necessary controls for the exhaust ventilation system work activity associated with the July 9 fall protection issue in building G2. The Office of Enforcement and Oversight's review indicates that the URS worker performed a task that was not included in the work package scope of work. The URS work planning process and all levels of the field execution process did not recognize the need to remove the *Garlock Safety Systems* portable guard rail in order to rig the ventilation ducting into building G-2. Thus, URS did not identify the resulting wall opening hazard, which prevented URS from performing a fall hazard prevention analysis and implementing fall protection controls as required by SPRU-ESH-001.
- The URS Contractor Assurance System did not establish steps to effectively self-identify and document fall protection noncompliances and their associated corrective actions at SPRU DP before DOE SPRU oversight activities disclosed the deficiencies.

While noncompliance reporting is voluntary, DOE encourages contractors to self-identify and report worker safety and health deficiencies before they lead to adverse safety significant consequences. DOE requires contractors to implement 10 C.F.R. Part 851, *Worker Safety and Health Program*, regulatory requirements, and contractors can use assessment processes, historical trending, and management attentiveness to proactively identify Part 851 noncompliant conditions and program weaknesses. These methods promote safety inquisitiveness and voluntary compliance as well as prompt correction of deficient conditions.

Although URS did not recognize and initially address the aforementioned fall protection deficiencies until prompted by the SPRU Field Office, DOE acknowledges URS's corrective actions to address fall protection hazards at the SPRU DP and prevent recurrence of these deficiencies. In addition, URS has improved processes for identifying, trending, and analysis of worker safety and health inputs within its contractor assurance system. In recognition of these corrective measures, the Office of Enforcement and Oversight is electing to exercise discretion and not pursue enforcement action against URS for these noncompliances. However, DOE will continue to closely monitor URS's effectiveness in providing a safe and healthful workplace while implementing 10 C.F.R. Part 851 requirements.

No response to this letter is required. If you have any questions, please contact me at (301) 903-2178, or your staff may contact Kevin Dressman, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink, reading "John S. Boulden III". The signature is written in a cursive style with a horizontal line at the end.

John S. Boulden III
Director
Office of Enforcement and Oversight
Office of Health, Safety and Security

cc: Steven Feinberg, SPRU Field Office
David Hall, URS