



Department of Energy
Washington, DC 20585

July 29, 2025

Dr. Stephen K. Streiffer
Laboratory Director
UT-Battelle, LLC
P.O. Box 2008
Oak Ridge, Tennessee 37831-6231

WCO-2025-01

Dear Dr. Streiffer:

The Office of Enforcement has completed its investigation into the facts and circumstances associated with a July 14, 2023, incident when a worker sustained serious injuries during a material handling activity that involved a telehandler at the Oak Ridge National Laboratory's Translational Research Capability (TRC) project construction site. The injured worker was an employee of Engert, LLC, a subcontractor for The Whiting-Turner Contracting Company, the general contractor for UT-Battelle, LLC (UT-Battelle) on the TRC construction project. UT-Battelle documented this event in the Department of Energy's (DOE) Noncompliance Tracking System under report NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794, dated November 14, 2023.

DOE considers this incident to be of high safety significance as it was a near miss to a fatality. The injury occurred when an unsecured 585-pound truss boom attachment (jib) fell from the forks of a telehandler and struck the worker, who was positioned on the roof to receive a load of three carbon steel pipes, each weighing approximately 200 pounds. As the telehandler operator tilted the forks downward to deliver the load, the load shifted, causing the jib to slide off the forks, striking and pinning the worker. The worker's right ankle and pelvis were fractured, leading to 188 days away from work.

The event revealed deficiencies in UT-Battelle's implementation of worker safety and health program requirements and procedures for construction safety (including activity hazard analysis) and recordkeeping and reporting. The Office of Enforcement concluded that UT-Battelle's investigation into the event was of sufficient scope and depth, and the associated causal analysis and corrective actions appear adequate to address the direct, root, and contributing causes for this event.

In accordance with 10 Code of Federal Regulations (C.F.R.) § 851.41, *Settlement*, the Office of Enforcement has elected to resolve any potential noncompliances with requirements enforceable under 10 C.F.R. Part 851, *Worker Safety and Health Program*, through execution of a Consent Order. In deciding to enter into this Consent Order, DOE placed considerable weight on UT-Battelle's post-event response which included a

comprehensive approach to ensure effective corrective actions were established and fully implemented to prevent a recurrence of the event.

DOE reserves the right to re-open this investigation if DOE later becomes aware that UT-Battelle provided any false or materially inaccurate information. Further, if there is a recurrence of worker safety and health deficiencies similar to those identified in this Consent Order, or a failure to comply with the terms and conditions prescribed in the Consent Order (or other related actions that UT-Battelle subsequently determines to be necessary) to prevent recurrence of the identified issues, then the Office of Enforcement may pursue additional enforcement activity. The Office of Enforcement, Office of Science, and Oak Ridge National Laboratory Site Office will continue to closely monitor UT-Battelle's implementation of worker safety and health requirements until the issues associated with this Consent Order are fully resolved.

Enclosed is the Consent Order for your signature. Please sign and return the Consent Order within one week from the date of receipt, following the instructions provided in Section IV.3 of the Consent Order. Retain a copy for your records.

By signing this Consent Order, you agree to comply with all of the terms, including payment of the monetary remedy, as specified in section IV of the Consent Order and in the manner prescribed therein.

If you have any questions, please contact me at 301-903-7707, or your staff may contact Ms. Shannon Holman, Director, Office of Worker Safety and Health Enforcement, at 301-903-0100.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin M. Keeler". The signature is fluid and cursive, with the first name "Robin" and last name "Keeler" being the most prominent parts.

Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

Enclosure: Consent Order (WCO-2025-01)
Electronic Funds Payment Instructions

cc: Tracy Chance, UT-Battelle, LLC
Trey Wheeler, SC-OSO

In the matter of) NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794
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UT-Battelle, LLC)
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) Consent Order WCO-2025-01

CONSENT ORDER INCORPORATING AGREEMENT BETWEEN THE U.S.
DEPARTMENT OF ENERGY AND UT-BATTELLE, LLC

I

UT-Battelle, LLC (UT-Battelle) is responsible for the management and operation of the U.S. Department of Energy (DOE) Oak Ridge National Laboratory (ORNL) in Oak Ridge, Tennessee, under contract number DE-AC05-00OR22725 (Contract) entered into with the DOE Office of Science's Oak Ridge National Laboratory Site Office (OSO).

II

On July 14, 2023, a worker sustained serious injuries during a material handling activity that involved a telehandler at the ORNL Translational Research Capability (TRC) project construction site. The injured worker was an employee of Engert, LLC (Engert), a subcontractor for The Whiting-Turner Contracting Company (Whiting-Turner). Whiting-Turner was the general contractor for UT-Battelle on the TRC construction project.

The injury occurred when an unsecured 585-pound truss boom attachment (jib) fell from the forks of a telehandler and struck the worker, who was positioned on the roof to receive a load of three carbon steel pipes, each weighing approximately 200 pounds. As the telehandler operator tilted the forks downward to deliver the load, the load shifted, causing the jib to slide off the forks, striking and pinning the worker. The worker's right ankle and pelvis were fractured, leading to 188 days away from work.

UT-Battelle reported potential noncompliances associated with this event into the DOE Noncompliance Tracking System (NTS) under NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794, dated November 14, 2023.

On January 10, 2024, the DOE Office of Enforcement notified UT-Battelle of its decision to investigate the facts and circumstances associated with potential deficiencies related to this event

and UT-Battelle's implementation of its worker safety and health program (WSHP). On February 9, 2024, UT-Battelle submitted a request for settlement to the Office of Enforcement by means of a Consent Order to resolve the matter under investigation. The Office of Enforcement conducted the onsite investigation from April 2 through April 5, 2024.

UT-Battelle's causal analysis, *Accident Investigation Report: Oak Ridge National Laboratory Material Handling Event at the Translational Research Capabilities (TRC) Facility on July 14, 2023*, dated September 11, 2023, identified a root cause of the event, four direct causes, five contributing causes, and the need for an extent-of-condition review. The Office of Enforcement found that UT-Battelle's causal analysis appears adequate to address the direct, root, and contributing causes for this event. However, UT-Battelle did not submit the initial injury report into DOE's Computerized Accident/Incident Reporting System (CAIRS) database in a timely manner¹ or ensure that the final reports were accurate².

UT-Battelle's corrective action plan (CAP), *Telehandler Attachment Slides Off Forks and Injures Subcontractor at the Building 3700 Construction Site Corrective Action Plan*, identified 25 corrective actions to prevent the recurrence of similar events. The CAP also addressed the conditions found in the extent-of-condition review. At the time of the Office of Enforcement's investigation, UT-Battelle had completed 19 corrective actions with six remaining, including an effectiveness review of the corrective actions.

III

Pursuant to 10 Code of Federal Regulations (C.F.R.) § 851.41, at any time during enforcement proceedings, DOE may resolve any or all outstanding issues with a Consent Order if the settlement is consistent with the 10 C.F.R. Part 851, *Worker Safety and Health Program*.

To resolve potential noncompliances of worker safety and health requirements and in consideration of UT-Battelle's investigation, causal analyses, and associated corrective actions taken since the submission of the NTS report identified above, DOE has elected to enter into this settlement. DOE and UT-Battelle have reached agreement to resolve this matter through execution of this Consent Order.

IV

Accordingly, the terms of this Consent Order are as follows:

In consideration of the mutual agreements set forth in this section, the sufficiency and adequacy of which are acknowledged by DOE and UT-Battelle (hereinafter the "Parties"), the following terms represent agreement by the authorized representatives of the Parties to resolve by

¹ UT-Battelle submitted the initial CAIRS report on August 14, 2023. The report should have been submitted into CAIRS by July 31, 2023, as required by DOE Order 231.1B, Change 1, *Environment, Safety and Health Reporting*.

² UT-Battelle's CAIRS report indicated 19 days away from work, but the worker actually incurred 188 days away from work. The entry remained unchanged until UT-Battelle accurately revised it on September 11, 2024.

settlement the potential noncompliances at ORNL, in lieu of an enforcement action that DOE may issue pursuant to 10 C.F.R. § 851.42, *Preliminary notice of violation*.

1. UT-Battelle shall complete the following actions by October 31, 2025:
 - a. Complete the remaining corrective actions identified in the NTS report number NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794 by the prescribed due dates specified for each and verify closure for all 25 actions.
 - b. Conduct a process review to identify areas for improvement in the communication and coordination of injury and illness case information. Focus on ensuring timely and accurate data entry into DOE's Occurrence Reporting and Processing Systems program (ORPS) and Computerized Accident/Incident Reporting System (CAIRS), as well as ensuring effective coordination between safety personnel, ORPS and CAIRS data entry personnel, and all relevant subcontractors in accordance with DOE Order 231.1B, Change 1, *Environment, Safety and Health Reporting*.
 - c. Conduct an effectiveness review upon completion of corrective actions detailed in NTS report number NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794 and the CAP. Provide the Office of Enforcement, Office of Science, and Oak Ridge National Laboratory Site Office (ORNL Site Office) with a copy of the results of the effectiveness review within 30 calendar days of completion.
 - d. Provide quarterly written updates to the Office of Enforcement, Office of Science, and ORNL Site Office on the status of actions and associated milestones for items 1.a., 1.b., and 1.c., above until said actions are completed.
 - e. Notify the Office of Enforcement and ORNL Site Office in writing of any actions in items 1.a., 1.b., and 1.c., above that require an extension to the due date at least 30 calendar days before the due date specified.
 - f. Notify the Office of Enforcement, Office of Science, and ORNL Site Office upon completion of all actions specified in items 1.a., 1.b., and 1.c., above within 30 calendar days of completion.
2. UT-Battelle shall pay the amount of \$39,000 reflecting an agreed upon monetary remedy in lieu of the issuance of an enforcement action with the imposition of a civil penalty pursuant to 10 C.F.R. § 851.43.
3. UT-Battelle agrees to return a signed copy of this Consent Order, within one week from the date of receipt, via email, to the Director, Office of Enforcement at enforcementdocketclerk@hq.doe.gov.
4. The effective date of this Consent Order shall be the date upon which UT-Battelle signs this Consent Order.

5. UT-Battelle shall remit the monetary remedy of \$39,000 by electronic funds transfer (EFT) or automated clearing house (ACH) Transfer to the Department of Energy through the U.S. Treasury within 30 calendar days after the effective date of this Consent Order. The Office of Enforcement must be copied at enforcementdocketclerk@hq.doe.gov when the electronic payment is submitted to the U.S. Treasury. Instructions for sending payments in U.S. dollars via EFT or ACH Transfer are enclosed.
6. This Consent Order shall constitute a full and final settlement of the potential noncompliances identified in the referenced NTS report, subject to the following: (a) UT-Battelle's payment of the monetary remedy in accordance with item 5 above; and (b) UT-Battelle's completion of all actions set forth in item 1, above, to the satisfaction of DOE.
7. Neither the monetary remedy nor any costs, as defined in the Federal Acquisition Regulation, 48 C.F.R. § 31.205-47, incurred by, for, or on behalf of UT-Battelle relating to coordination and cooperation with DOE concerning the investigation of matters covered by this Consent Order, shall be considered allowable costs under the Contract. However, costs incurred by, for, or on behalf of UT-Battelle relating to the development and implementation of corrective actions, including costs associated with the effectiveness review required under item 1 above, may be considered allowable costs under the Contract.
8. This Consent Order does not preclude DOE from re-opening the investigation nor preclude DOE from issuing an enforcement action under 10 C.F.R. § 851.42 with respect to a potential noncompliance if: (a) after the effective date (as defined in item 4 above), DOE becomes aware of any false or materially inaccurate facts or information provided by UT-Battelle; (b) there is a recurrence of worker safety and health deficiencies similar to those identified above; or (c) UT-Battelle fails to complete all actions identified in item 1, above, in a timely and effective manner to prevent recurrence.
9. Any modification to this Consent Order requires the written consent of all Parties.
10. UT-Battelle waives any and all rights to appeal or otherwise seek judicial or administrative review of the terms of this Consent Order. DOE retains the right to judicially enforce the provisions of this Consent Order by all available legal means.
11. This Consent Order is issued pursuant to DOE's authority under Section 234C of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2282c), and the implementing provisions of 10 C.F.R. Part 851 governing enforcement of worker safety and health requirements at DOE sites.
12. This Consent Order shall become a Final Order after the signed copy, referenced in item 3 above, is filed by the Office of Enforcement's Office of the Docketing Clerk.

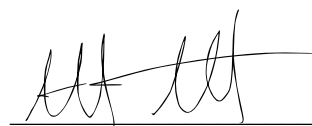
On behalf of my respective organization, I hereby agree to and accept the terms of the foregoing Consent Order.

FOR Office of Enforcement

FOR UT-Battelle, LLC

 Date July 29, 2025

Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

 Date July 30, 2025

Stephen K. Streiffer
Laboratory Director
UT- Battelle, LLC