



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Addendum to the Memorandum of Understanding with the Department of Energy (August 28, 1992); Transfers of Regulatory Authority at Certain Privatized Facilities and Operations at the Idaho National Laboratory Site, Hanford Site, Nevada National Security Site and Savannah River Site

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This is a notice of an addendum to the 1992 interagency Memorandum of Understanding (MOU) between the U.S. Department of Labor (DOL) and the U.S. Department of Energy (DOE) regarding the transfer of occupational safety and health authority for certain privatized facilities and operations from DOE to the Occupational Safety and Health Administration (OSHA), and state agencies operating under State Plans approved by OSHA.

DATES: The effective date of the Addendum to the 1992 Memorandum of Understanding is [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General information: Ms. Lana Morrison, Director, OSHA Office of Federal Agency Programs; telephone: (202) 693-2100; email: ofap@dol.gov.

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SUPPLEMENTARY INFORMATION:

I. Background

DOE and DOL have entered into two MOUs to address occupational safety and health authority of both current and former DOE government-owned or leased, contractor-operated (GOCO) facilities. The first MOU, entered into on August 28, 1992 (1992 MOU), delineates DOE's regulatory authority over the occupational safety and health of contractor employees at DOE GOCO facilities. Section 4(b)(1) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 653(b)(1)) exempts from OSHA authority working conditions with respect to which other federal agencies have exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. DOE has statutory authority to regulate the occupational safety and health of private-sector employees at DOE facilities under section 161.i.(3) [42 U.S.C. 2201(i)(3)] of the Atomic Energy Act of 1954, as amended (Atomic Energy Act), among other statutory authorities, and DOE exercises that authority, with certain limited exceptions. The 1992 MOU acknowledges DOE's extensive program for the regulation of contractor health and safety, which includes requiring contractor compliance with certain OSHA standards along with additional DOE-prescribed requirements, and sets forth an agreement that the provisions of the OSH Act do not apply to GOCO sites for which DOE has exercised authority to regulate occupational safety and health.

OSHA and DOE entered into a second MOU on July 25, 2000 (2000 MOU), to establish interagency procedures addressing regulatory authority for occupational safety and health for specific facilities and operations (1) that were formerly controlled by DOE but have been leased to private business enterprises which are not conducting activities for or on behalf of DOE, and (2) where there is no likelihood that any employee exposure to radiation from DOE sources will be 25 millirems per year (mrem/yr) or more. The 2000 MOU also set forth a process in which OSHA would publish a *Federal Register* notice for

privatized facilities or operations for which OSHA assumes regulatory jurisdiction, and that the *Federal Register* notice would serve as an addendum to the 1992 MOU.

II. Notice of Transfer

In a letter dated October 21, 2024, DOE notified OSHA that certain parcels of DOE-owned land across certain DOE sites may be utilized by private entities by way of lease or easement (collectively, the “Project Parcels”). DOE has entered into long-term realty agreements (i.e., lease or easement agreements) to repurpose this land for private-sector energy projects that will be owned and operated by independent entities, not under contract with DOE. DOE will not assert or exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health of private-sector employers and employees at the Project Parcels. Consequently, DOE requested that OSHA confirm that OSHA or the applicable OSHA-approved State Plan will regulate occupational safety and health at the Project Parcels. Specific information about the Project Parcels subject to this Notice is provided below:

- Idaho National Laboratory Site in Idaho Falls, Idaho: The parcels are represented in township and range format as follows: T6N, R33E Section 16; T7N, R31E Section 16; T7N, R31E Section 19; and T8N, R30E Section 36.
- Hanford Site in Benton County, Washington: The parcels are located along Route 4 in the southeastern portion of the site. They are represented in township and range format as follows: T12N, R27E Portions of Sections 35 and 36; T12N, R28E Portions of Sections 31 and 32; T11N, R27E Sections 1, 12, and Portions of Sections 2, 11, 13, 14, 23, 24, 25, 26, 27, 34, 35, and 36; T11N, R28E Sections 7 and Portions of Sections 6, 8, 17, 18, 19, 20, and 30; and T10N, R27E Portions of Sections 1 and 2.

- Nevada National Security Site in Nye County, Nevada: The parcels are represented in township and range format as follows: T15S, R53E Portions of Sections 23, 24, 25, 26, 33, 34, 35, 36; and T16S, R53E Portions of Sections 3, 4 and 5.
- Savannah River Site in the sand-hills region of South Carolina (covering parts of Aiken, Barnwell, and Allendale counties): The parcels are bounded by coordinates as follows:
 - Solar Site C: 33° 12' 58.51690200"N, 081° 43' 16.88899080"W; 33° 12' 53.86759920"N, 081° 42' 56.38398120"W; 33° 11' 45.71913480"N, 081° 43' 12.41286240"W; 33° 11' 40.28659080"N, 081° 43' 19.38762840"W; 33° 11' 36.90900600"N, 081° 43' 36.48835920"W; 33° 11' 51.29566440"N, 081° 43' 48.70552440"W; 33° 11' 57.48951840"N, 081° 43' 49.59699600"W; 33° 12' 04.29265440"N, 081° 43' 40.09553760"W; 33° 12' 22.88837520"N, 081° 43' 45.39015480"W; 33° 12' 37.43054640"N, 081° 43' 54.42812400"W; 33° 12' 41.63149080"N, 081° 43' 51.37684320"W; 33° 12' 45.99395280"N, 081° 43' 55.31647080"W; 33° 12' 59.14741320"N, 081° 43' 57.54936000"W.
 - Solar Site G: 33°11'55.41507690"N, 081°42'33.74421887"W; 33°12'24.86308367"N, 081°41'59.18421217"W; 33°11'14.30306947"N, 081°40'30.12018007"W; 33°10'34.99106128"N, 081°40'41.24418253"W; and 33°10'34.99106006"N, 081°41'21.70819307"W.

For each Project Parcel listed, DOE does not expect the residual radiological dose to workers to be 25 millirems per year (mrem/yr) or more above background. Further, radiological activities at each relevant DOE site and under the control of DOE pursuant to the Atomic Energy Act will continue to be conducted in accordance with the applicable

public dose limits in DOE Order 458.1, *Radiation Protection of the Public and the Environment*.

OSHA shall regulate the occupational safety and health of private-sector employers and employees at the Project Parcels at the Idaho site. The other three identified Project Parcel sites (the sites in Washington, Nevada, and South Carolina) are located in states with OSHA-approved State Plans that regulate occupational safety and health for private-sector and state and local government employers and employees in those states. OSHA provided notification regarding the expected transfer of occupational safety and health coverage for these Project Parcels to the impacted State Plans (the Washington Division of Occupational Safety and Health (DOSH), the Nevada Occupational Safety and Health Administration (Nevada OSHA), and the South Carolina Occupational Safety and Health Administration (SC OSHA)). OSHA received written confirmation from the three affected State Plans that they are assuming coverage over occupational safety and health for private-sector and state and local government-sector employers and employees performing work at the Project Parcels within their states for the duration of the applicable DOE long-term realty agreement(s), consistent with their existing coverage over private-sector and state and local government-sector employers and employees. In an email dated May 29, 2025, OSHA provided this confirmation from the affected OSHA-approved State Plans to DOE and also provided confirmation that OSHA is assuming coverage over occupational safety and health for private-sector employers and employees performing work at the Project Parcels at the Idaho site for the duration of the applicable DOE long-term realty agreement(s).

Therefore, in accordance with the 2000 MOU, this *Federal Register* publication provides notice that OSHA has assumed and maintains occupational safety and health regulatory authority over private-sector employers and employees performing work at the Project Parcels at the Idaho National Laboratory site in Idaho Falls, Idaho for the duration

of the applicable DOE long-term realty agreement(s). It also provides notice that the aforementioned affected State Plans have assumed and maintain occupational safety and health regulatory authority over private-sector and state and local government-sector employers and employees performing work at the other identified Project Parcels within their states for the duration of the applicable DOE long-term realty agreement(s), as follows:

- DOSH confirmed such authority over Project Parcels at the Hanford Site in Benton County, Washington;
- Nevada OSHA confirmed such authority over Project Parcels at the Nevada National Security Site in Nye County, Nevada; and
- SC OSHA confirmed such authority over Project Parcels at the Savannah River Site in the sand-hills region of South Carolina.

In addition, OSHA notes that its website for the Washington State Plan, DOSH, currently states that “certain contractors within the boundaries of the Hanford Reservation and the Hanford National Monument” are not covered by DOSH. That coverage exception arises from a *Federal Register* notice published on June 29, 2006 (71 FR 36988), which provided clarification as to the jurisdiction and enforcement responsibilities of OSHA and several State Plans at various DOE sites not subject to DOE jurisdiction under the Atomic Energy Act. With respect to the Washington State Plan specifically, that document provided notice that DOSH intended to exercise jurisdiction over private contractors performing work at the Bonneville Power Administration “except in controlled areas of the Hanford Reservation,” i.e., except in the areas of the Hanford Reservation subject to DOE’s jurisdiction. Thus, to avoid any potential confusion about DOSH’s coverage of employers operating within the boundaries of the Hanford Reservation, OSHA is making a minor clarification on its website for the Washington State Plan to specify that this coverage

exclusion is limited to “contractors for which DOE has authority to regulate health and safety, and with respect to which DOE is exercising that authority”.

Authority and Signature

David Keeling, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. This *Federal Register* notice provides public notice and serves as an addendum to the 1992 MOU. Accordingly, the agency is issuing this notice pursuant to section 8(g)(2) and section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 29 U.S.C. 667), 29 CFR Parts 102, 1953, and 1955, and Secretary of Labor’s Order No. 07-2025 (90 FR 27878).

Signed at Washington, DC, on April 14, 2026.

David Keeling,

Assistant Secretary of Labor for Occupational Safety and Health.

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