



Department of Energy

Washington, DC 20585

January 10, 2024

Ms. Bridgett McMahan
President and Chief Executive Officer
BESCO-Engert
1800 N Central Street
Knoxville, Tennessee 37917

Dear Ms. McMahan:

This letter serves as notification of the Office of Enterprise Assessments, Office of Enforcement's decision to conduct an investigation into the facts and circumstances associated with a worker's traumatic injury that occurred on July 14, 2023, when the worker was struck and pinned down by a falling truss boom attachment that was unsecured to a telehandler's forks at the Oak Ridge National Laboratory's Translational Research Capability Facility (TRC) in Oak Ridge, Tennessee. UT-Battelle reported potential noncompliances associated with this event into the Department of Energy's (DOE) Noncompliance Tracking System under NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794, dated November 14, 2023.

The Office of Enforcement will conduct this investigation pursuant to the authority set forth in 10 C.F.R. § 851.40(a), *Investigations and inspections*. Although the general purpose of the investigation will be the material handling activities resulting in the struck-by injury event, additional issues relating to the scope, nature, and extent of compliance by BESCO-Engert with DOE's worker safety and health requirements specified in 10 C.F.R. Part 851, *Worker Safety and Health Program*, may be pursued as issues arise during the course of the investigation. The investigation will include an onsite visit and interviews with contractor personnel.

Any requests for documents to support this investigation will be provided separately via one or more e-mails. Your cooperation to ensure timely submission of all documents is appreciated.

For covered contracts according to 41 U.S.C. § 4301 and under the Major Fraud Act (MFA), as amended (41 U.S.C. § 4310), this investigation may be a proceeding commenced by the United States that relates to a violation of, or the failure to comply with, a federal regulation. Costs incurred in connection with such a proceeding are subject to the reimbursement restrictions of the MFA implemented at 48 C.F.R. § 31.205-47. As a result, any costs incurred that are directly attributable to supporting DOE's investigation should be tracked, subsequent to receipt of this letter, and segregated from other potentially allowable costs.



If you have any questions concerning this letter, 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 'Anthony C. Pierpoint', written in a cursive style.

Anthony C. Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments

cc: Tracy Chance, UT-Battelle, LLC
Johnny Moore, SC-FSO