Department of Energy
Office of Science
Washington, DC 20585

MEMORANDUM FOR TODD LAPOINTE
DIRECTOR
OFFICE OF ENVIRONMENT, HEALTH, SAFETY
AND SECURITY

FROM: JUSTON K. FONTAINE
DEPUTY DIRECTOR FOR OPERATIONS
OFFICE OF SCIENCE

Juston K. Fontaine
Digitally signed by Juston K. Fontaine
Date: 2024.02.15 16:38:25 -05'00'

SUBJECT: Request for Review on a Title 10 Code of Federal Regulations 851, Worker Safety and Health Program, Permanent Variance for Fermi Science Alliance

Fermi Research Associates (FRA), the Management and Operating (M&O) contractor for Fermi National Accelerator Laboratory submitted a request to the Office of Science for a permanent variance to Title 10 Code of Federal Regulations (CFR) 851, *Worker Safety and Health Program.* FRA requests to use an FRA established internal process to provide a comprehensive technical analysis of non-American Society of Mechanical Engineers (ASME) designed/built pressure equipment/systems in lieu of requirements in:

§851.23(a)(3) Title 29 CFR, Part 1910
§851.27(d)(1) ASME Boilers and Pressure Vessel Codes and
§851.27(d)(2) ASME B31 codes for pressure piping

FRA has institutionalized their process within the applicable chapters of the Fermilab Engineering Manual, the Fermilab Environmental Safety & Health Manual, and the Fermilab Quality Assurance Manual. These three documents support the process outlined within the variance to provide the framework to assure that non-ASME designed/built equipment can be operated in a safe manner with the same level of protection that would be achieved when built to ASME requirements.

The Office of Science has reviewed the documentation provided by FRA and concurs on the request for a variance. Per 10 CFR 851, the Chief Health, Safety, and Security Officer needs to review and make a recommendation to the Under Secretary for Science and Innovation on the variance. I have attached the FRA submittal and request for a variance along with supporting documentation. I will also coordinate with the Under Secretary to provide information from the Office of Science.

Please contact the Fermi Site Office Manager, Roger Snyder at (630) 840-2304 or the Office of Science Central Technical Authority, Joanna Serra at (240) 252-8758, if you have any questions regarding this matter.

Attachment

cc:
J. Halse, DDO
J. Serra, DDO
R. Snyder, FSO
W. Begner, FSO
J. Dillard, AU-11