Department of Energy
Office of Science
Washington, DC 20585

November 20, 2024

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: 2024.11.20 08:41:46 -05'00'

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

ISSUE: Fermi Forward Discovery Group (FermiForward), the selected Management and Operating contractor for Fermi National Accelerator Laboratory (Fermi), effective January 1, 2025, submitted a request to the Office of Science (SC) for a permanent variance to Title 10 Code of Federal Regulations (CFR) 851, "*Worker Safety and Health Program.*"

BACKGROUND: FermiForward requests to use a FermiFoward 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

This variance request uses the same base and process that the Fermi Research Associates and received a Department of Energy approval on May 22, 2024. The process is institutionalized 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 and have not changed since the May 22, 2024, approval.

SENSITIVITIES: None.

POLICY IMPACT: None.

URGENCY: SC has reviewed the documentation provided by FermiFoward 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 FermiForward submittal and

request for a variance along with supporting documentation. I will also coordinate with the Under Secretary to provide information from SC.

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.

Attachments

10CFR851 Pressure Variance for LBNF/DUNE
10CFR851 Pressure Variance

cc:
J. Halse, DDO
J. Serra, DDO
R. Snyder, FSO
S. Wallace, FSO
J. Dillard, AU-11