

**United States Government****Department of Energy (DOE)****memorandum****Savannah River Operations Office (SR)**DATE: **SEP 05 2008**REPLY TO  
ATTN OF: OSQA (C. A. Everatt (803) 952-8379)

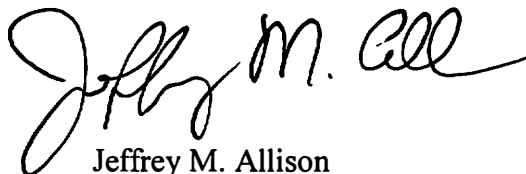
SUBJECT: Savannah River Nuclear Solutions, LLC (SRNS) application for Permanent Variance Request to National Fire Protection Association (NFPA) Codes and Standards Mandated by 10 Code of Federal Regulations (CFR) 851 for Fire Protection Noncompliances in the 221-H Canyon

TO: Dae Y. Chung, Deputy Assistant Secretary for Safety Management and Operations (EM-60), HQ

This memorandum requests your review and concurrence of the referenced variance request to NFPA codes and standards that are mandated by 10CFR851. This application is for a permanent variance for the same 221-H fire protection noncompliances for which Variance SRS-10 CFR 851-PV-2007-001 Rev. 1 was approved for the Washington Savannah River Company (WSRC). This application is needed because 10CFR851 has no provisions to transfer the approved variance from the previous contractor (WSRC) to the current one (SRNS). If you concur with the request, please forward it for formal approval in accordance with the requirements of 10CFR851, Subpart D.

Attached is the SRNS variance application request dated August 26, 2008. SRNS is referencing the approved variance SRS-10 CFR 851-PV-2007-001 Rev. 1 as their application submittal with the understanding that all references made to WSRC shall now mean SRNS. The actual document SRS-10 CFR 851-PV-2007-001 Rev. 1 is not attached with this memorandum because it contains unclassified controlled nuclear information and EM-60 already has a copy of the approved document. In accordance with 10CFR851, §851.31(c)(4) and (5), SRNS has made the required notifications to inform affected workers of this application and their right to petition DOE Headquarters for a conference. SRNS has posted the required statements, sent messages to all H Canyon personnel and provided copies of the variance application to the worker's representatives. Documentation for these actions is contained in the enclosures of the attached SRNS letter.

If you have questions, please contact me or have your staff contact C. A. Everatt at (803) 952-8379.

Jeffrey M. Allison  
Manager

OSQA:DAB:wga

OSQA-08-0138

- 2 -

SEP 05 2008

Attachment:

1. Letter, Temple to Morton,  
dated August 26, 2008

cc w/attachment:

Percy Fountain, (EM-3.2), HQ  
Bill Boyce, (EM-61), HQ  
Terry Krietz, (EM-61), HQ

August 26, 2008

SRNS-F5100-2008-00017  
RSM Track # 10666

Ms. Angela S. Morton  
Contracting Officer  
Savannah River Operations Office  
Office of Contracts Management  
P.O. Box A  
Aiken, South Carolina 29802

Dear Ms. Morton:

**SAVANNAH RIVER M&O CONTRACT DE-AC09-08SR22470, APPLICATION FOR 10CFR851 PERMANENT VARIANCE FOR FIRE SUPPRESSION IN SELECTED AREAS OF H CANYON**

Ref:

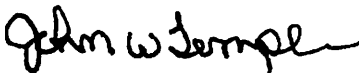
1. Memorandum, Dae Y. Chung to Jeffrey M. Allison, *Approval of Variance to 10 Code of Federal Regulations (CFR) 851 Requirements for Sprinklers and Fire Boundaries in Selected Areas of H Canyon, 2/19/08*
2. Letter, Leo H. Sain to Jeffrey M. Allison, *WSRC 10 CFR 851 Permanent Variance Request, WSR-2007-00110, 4/05/07*

In accordance with the requirements of 10CFR851, §851.31 and reference 1 above, Savannah River Nuclear Solutions, LLC (SRNS) is submitting an application for 10 CFR 851 Permanent Variance to requirements for sprinklers and fire boundaries in selected areas of H Canyon. This Permanent Variance was originally requested by Washington Savannah River Company (WSRC) per reference 2 above and approved for WSRC by references 3, 1 and 4. The engineering evaluation to support this Permanent Variance request is contained in reference 2 (previously submitted).

In accordance with 10CFR851, §851.31(c)(4) and (5), notifications of this Permanent Variance request have been made to inform affected workers of this application and their right to petition DOE Headquarters for a conference. Copies of the SRNS posting statement, message to all H Canyon personnel, and worker representatives' notifications and responses are provided as enclosures 1, 2 and 3, respectively, for your information.

Should you have any questions concerning this request, please contact Mr. R. E. Roaden (725-1398) or the SRNS Directives Point of Contact, W. L. Luce (952-9881).

Sincerely,



John W. Temple  
Contracting Officer

pl/

- Add'l Ref: 3. Memorandum, Glenn S. Podansky to C. H. Albright, Jr., *Approval of a Permanent Variance Regarding Sprinklers and Fire Boundaries in Selected Areas of H Canyon at the Savannah River Site, EXEC-2008-001363, 2/04/08*
4. Letter, Jeffrey M. Allison to Leo H. Sain, *WSRC 10 CFR 851 Permanent Variance Request for H Canyon, OSQA-08-0046, 2/19/08*

Ms. Angela S. Morton  
SRNS-5100-2008-00017  
Page 2  
August 26, 2008

**Enc:**

1. Posting Notice for All Personnel at H-Canyon
2. Message from SRNS NMD Director to All H Canyon Personnel
3. Notifications to and Responses from Represented Workers of Wackenhut Services Incorporated (WSI) and Craft Worker Representatives

c: C. A. Everatt, DOE-SR, 730-B  
S. L. Johnson, 730-B  
L. C. Wright, 730-B  
Y. B. Gentry, 730-B  
D. A. Boyll, 730-B  
A. M. Umek, SRNS, 730-1B  
J. F. Dohse, 704-2H  
V. W. Wilson, 730-1B  
R. E. Roaden, 722-5A  
R. S. Miller, 704-2H  
P. C. Padezanin, 730-1B  
W. L. Luce, 730-4B  
B. M. Whealton, 730-4B  
CAD File Copy, 730-1B  
Records Admin., 773-52A

ENCLOSURE 1

H -Canyon & HB-Line

Notice

To All Personnel

Any Personnel Entering the Hot Gang Valve corridor should be aware that this area does not have an automatic Fire Suppression System as required by the Life Safety Code – NFPA 101.

SRNS is pursuing DOE approval of a variance for the above condition in accordance with 10 CFR 851.31. The variance will be submitted to DOE at the time of this posting. Affected workers can obtain a copy of the variance application after submittal to DOE by contacting the facility HCA SOM, (208-8489) or HBL SOM, (8-8238). Affected workers have the right to petition DOE Headquarters Chief Health and Security Officer or Designee for a conference concerning this variance application in accordance with 10 CFR 851.34.

August 14, 2008

## ENCLOSURE 2

**Terry  
Kendrick/SRNS/Srs**

08/20/2008 12:30 PM

To

cc Phillip Levine/SRNS/Srs@Srs, Charles  
Goergen/SRNS/Srs@Srs, Charles  
Nickell/SRNS/Srs@srs, Dale Parrott/BSRI/Srs@Srs,  
David Frye/WSRC/Srs@Srs, Diane  
Mcgee/SRNS/Srs@Srs, Edward Russell/SUB/Srs@Srs,  
Herbert Branham/SUB/Srs@Srs, James  
Wallace/SRNS/Srs@Srs, Jerry Butler/WSRC/Srs@Srs,  
John Dohse/SRNS/Srs@Srs, Kirk Pitts/WSRC/Srs@Srs,  
Marty Gibson/BSRI/Srs@Srs, Paul  
Pritchard/SUB/Srs@Srs, Richard  
Reichel/SRNS/Srs@srs, Susan Bell/BSRI/Srs@Srs,  
Thomas Butler/WSRC/Srs@Srs, William  
Harris/WSRC/Srs@Srs, William Lenartz/BSRI/Srs@Srs,  
Roy Roaden/SRNS/Srs@Srs

Subj MESSAGE FROM NMD DIRECTOR - 10 CFR 851  
ect Variance Request

Correspondence No. SRNS-N0000-2008-00020

Conditions exist in Building H Canyon that don't comply with Life Safety Code NFPA 101 in that automatic fire suppression system is not available in several locations. These conditions do not represent a change in safety or compliance with Federal Law. The previous contractor had a Permanent Variance approved by DOE on file to allow these conditions as long as the areas were properly posted and employees were properly informed. Since variances are company specific, SRNS is pursuing DOE approval of a Permanent Variance for these same conditions. SRNS is submitting the variance by reference to the previously approved variance for WSRC, Document Number F-ESR-H-00239 Rev. 1.

As part of the variance request process, communications to workers potentially impacted must be completed. This message serves as employee notification as required by 10 CFR 851.

Each area that does not have automatic fire suppression has been posted at the normal entrance. The postings include:

- o variance description
- o where a copy of the variance application may be obtained
- o how affected workers have the right to petition DOE-HQ for a conference concerning the variance request

**Example of a posted area:**

Any Personnel Entering the Hot Gang Valve corridor should be aware that this area does not have an automatic Fire Suppression System as required by the Life Safety Code – NFPA 101.

**SRNS is pursuing DOE approval of a variance for the above condition in accordance with 10 CFR 851.31. The variance will be submitted to DOE at the time of this posting. Affected workers can obtain a copy of the variance application after submittal to DOE by contacting the facility HCA SOM, (208-8489) or HBL SOM, (8-8238). Affected workers have the right to petition DOE Headquarters Chief Health and Security Officer or Designee for a conference concerning this variance application in accordance with 10 CFR 851.34.**

If you have any questions, regarding this message contact one of the Fire System Engineers:

Steve Miller, 8-2649 / 15589

William Hicks, 8-2674 / 12157

Charles Nickell  
Director, Nuclear Material Disposition  
Savannah River Nuclear Solutions  
SRS, Bldg 704-2H, Room 124  
803-208-3376 (Office)  
803-507-2728 (Cell)  
Pager 15242

ENCLOSURE 3

**Roy Roaden/SRNS/Srs**

08/19/2008 04:54 PM

To Patricia Padezanin/SRNS/Srs@Srs  
cc Theodore Griffin/WSRC/Srs@Srs, Steve  
Miller/SRNS/Srs@Srs, Phillip Levine/SRNS/Srs@Srs,  
Geoff Reynolds/SRNS/Srs@Srs  
Subj SRNS-E1800-2008-00003  
ect H-Canyon Variance Worker Representative Notifications

Correspondence Number: SRNS-E1800-2008-00003

The required Worker Representative notifications have been completed to the representatives of SRS Construction and Wackenhut Services Incorporated. A copy of the H-Canyon Variance Request SRS-10 CFR 851-PV-2007-001 Rev.1 has been provided to the authorized representatives of employees affiliated with SRS Construction and Wackenhut Services Incorporated (WSI). (Note: Since the variance request contained UCNI, a redacted version was provided to the SRS Construction representatives)

Attached are copies of the correspondence to the representatives for your records (attachments have been deleted).

Please contact me if you have any questions.

Thanks,

Roy Roaden  
(803) 725-1398  
Pager 11825

----- Forwarded by Roy Roaden/SRNS/Srs on 08/19/2008 01:35 PM -----

**Charles  
Shaver/WSI/Srs**

08/18/2008 10:18 AM

To Martin Hewitt/WSI/Srs@Srs, Patricia  
Walker/WSI/Srs@Srs, Eric Hammonds/WSI/Srs@Srs, H  
Moore/WSI/Srs@Srs  
cc Terrance Ford/WSI/Srs@Srs, Dan  
Carrington/WSI/Srs@Srs, Roy Roaden/SRNS/Srs@Srs  
Subj Fw: Worker Notifications for 10CFR851 Variance  
ect Request in H Canyon (UCNI)

FYI--note information below, provided to you as the representatives for Local 125, United Professional Pro-force Savannah River (UPPSR). This is the same process as followed last year--this is an update. Thanks, and please advise of questions.

----- Forwarded by Charles Shaver/WSI/Srs on 08/18/2008 10:15 AM -----

**Roy Roaden/SRNS/Srs**

08/18/2008 08:04 AM

To Charles Shaver/WSI/Srs@Srs  
cc Phillip Levine/SRNS/Srs@Srs, Steve  
Miller/SRNS/Srs@Srs, Theodore Griffin/WSRC/Srs@Srs  
Subj Worker Notifications for 10CFR851 Variance Request in  
ect H Canyon(UCNI)

The attached documents contain UCNI. [Document not included with this Enclosure]

SRNS is pursuing DOE approval of a Variance for conditions that exist in H Canyon required by Life Safety Code NFPA 101. Each Variance is company specific, therefore SRNS is required to resubmit the Variance for approval as the new M&O Contractor. SRNS is submitting the Variance by reference to the previously submitted WSRC Document Number F-ESR-H-00239 Rev. 1.

As part of the variance request process, communications to workers potentially impacted must be completed. A copy of the actual Variance (Document Number F-ESR-H-00239 Rev. 1) being resubmitted by SRNS must be made available for review. An electronic copy is attached.

The notification satisfies the requirements of 10CFR851 for worker notification including:

- o variance description
- o where a copy of the variance application may be obtained
- o how affected workers have the right to petition DOE-HQ for a conference concerning the variance request

Please provide written (email acceptable) confirmation when the communication has been completed to the WSI worker representatives. Submittal of this Variance to DOE is pending confirmation that this notification has been completed. I would appreciate a response by August 20, 2008.

Please contact me at (803) 725-1398 or SRS Pager 11825 if you have any questions.

Thanks,

Roy Roaden  
(803) 725-1398  
Pager 11825

----- Forwarded by Roy Roaden/SRNS/Srs on 08/19/2008 01:35 PM -----

**Rosalyn  
Daniels/SRNS/Srs**  
08/19/2008 07:54 AM

To pedroj4@gmail.com, dj150@bellsouth.net,  
sheetmetal399@knology.net,  
rooferslocal136@bellsouth.net, efsturcken@knology.net,  
kenward@ibew1579.org, j.wall43@comcast.net,  
boilermakers-687@hotmail.com,  
j.stringer22@yahoo.com, lu283@bellsouth.net,  
djedenfield@yahoo.com, russell@local470.net,  
dukeboys@earthlink.net  
cc Roy Roaden/SRNS/Srs@Srs

Subj Fw: Worker Notifications for 10CFR851 Variance  
Request in H-Canyon (U)

FYI - Please see below.

Roz

----- Forwarded by Roy Roaden/SRNS/Srs on 08/18/2008 04:39 PM -----

**Roy Roaden/SRNS/Srs**  
08/18/2008 08:05 AM

To Ronald02 Lee/SRNS/Srs  
cc Phillip Levine/SRNS/Srs@Srs, Steve  
Miller/SRNS/Srs@Srs, Theodore Griffin/WSRC/Srs@Srs  
Subj Worker Notifications for 10CFR851 Variance Request in  
Request H-Canyon (U)

SRNS is pursuing DOE approval of a Variance for conditions that exist in H Canyon required by Life Safety Code NFPA 101. Each Variance is company specific, therefore SRNS is required to resubmit the Variance for approval as the new M&O Contractor. SRNS is submitting the Variance by reference to the previously submitted WSRC Document Number F-ESR-H-00239 Rev. 1.

As part of the variance request process, communications to workers potentially impacted must be completed. A copy of the actual Variance (Document Number F-ESR-H-00239 Rev. 1) being resubmitted by SRNS must be made available for review. The original document is UCNI. An electronic redacted copy is attached.

The notification satisfies the requirements of 10CFR851 for worker notification including:

- o variance description
- o where a copy of the variance application may be obtained
- o how affected workers have the right to petition DOE-HQ for a conference concerning the variance request

Please provide written (email acceptable) confirmation when the communication has been completed to the craft worker representatives. Submittal of this Variance to DOE is pending confirmation that this notification has been completed. I would appreciate a response by August 20, 2008.

Please contact me at (803) 725-1398 or SRS Pager 11825 if you have any questions.

Thanks,

Roy Roaden  
(803) 725-1398  
Pager 11825



## Department of Energy

Washington, DC 20585

EXEC-2008-011922

November 3, 2008

MEMORANDUM FOR C.H. ALBRIGHT, JR.  
UNDER SECRETARY OF ENERGY

FROM: GLENN S. PODONSKY  
CHIEF HEALTH, SAFETY AND SECURITY OFFICER  
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: ACTION: Approval of a Permanent Variance Regarding Fire Safety  
in Selected Areas of 221-H Canyon at the Savannah River Site  
(Variance 1017)

ISSUE: This memorandum constitutes the Chief Health, Safety and Security Officer's recommendation that the Under Secretary of Energy approve a permanent variance regarding sprinklers and fire boundaries in selected areas of 221-H Canyon at the Savannah River Site (SRS).

BACKGROUND: Title 10, Code of Federal Regulations (C.F.R.), part 851, "Worker Safety and Health Program" (Rule), requires contractors to comply with consensus standards for fire protection. In situations where verbatim compliance with a standard is not practical, the contractor may request a variance from the provisions of the Rule; however, the contractor must commit to specific alternative means of providing equivalent safety.

Only Under Secretaries are authorized by the Rule to approve variances. The Office of Health, Safety and Security (HSS) and the Office of Environmental Management provide recommendations. There are no provisions for transferring an approved variance to a new contractor; i.e., a simple "rollover" of the variance to the new contractor is not possible. You approved a fire safety variance (Variance 1016) on February 4, 2008, for the SRS contractor under contract at that time. The Department of Energy transitioned to a new contractor for SRS in August 2008. The new contractor has applied for the same variance that the previous contractor received.

JUSTIFICATION: The SRS contractor has identified two fire safety concerns for which it has applied for a permanent variance. One concern is that some areas of H-Canyon do not comply with automatic sprinkler requirements found in applicable national consensus standards because they were built before these standards were adopted. However, these areas are not regularly occupied or are abandoned, and access to these areas is restricted to ensure worker safety. In addition, retrofitting these areas with sprinklers, as was done for the remainder of H-Canyon, would expose construction and maintenance workers to radiation without commensurate safety benefits to the overall workforce. And finally, areas of H-Canyon without sprinklers are generally of noncombustible construction with few combustible contents.



A second concern is a diesel generator that is not within a required, separate 1-hour fire resistant enclosure. However, the 1-hour enclosure requirement primarily is for minimizing property damage rather than protecting workers, and worker protection is provided because the generator is located in a utility room that is equipped with automatic sprinklers. In addition, the room has adequate means of emergency egress and access for firefighters.

HSS subject matter experts have reviewed this variance application and concluded that the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide workers a place of employment, which is as safe and healthful as would result from compliance with the standard from which the variance is sought, as required by 10 C.F.R. 851.31, "Variance process." HSS, therefore, recommends approval of this variance application.

RECOMMENDATION: That the Under Secretary of Energy approve a permanent variance (Variance 1017) from certain requirements of fire safety standards in selected areas of SRS. This variance is for specific conditions and commitments to provide safe working conditions made by the current SRS contractor and referenced in the attached variance application determination.

APPROVE: 

DISAPPROVE: \_\_\_\_\_

DATE: 1-5-09

Attachment

cc w/attachment:

James A. Rispoli, EM-1

Ines R. Triay, EM-1

James M. Owendoff, EM-3

Dae Y. Chung, EM-60

Andrew C. Lawrence, HS-20

Martha S. Thompson, HS-40

## VARIANCE APPLICATION DETERMINATION

Pursuant to

TITLE 10, CODE OF FEDERAL REGULATIONS, PART 851,  
“WORKER SAFETY AND HEALTH PROGRAM”

**ACTION:** Under Secretary C.H. Albright, Jr., indicate at the end of this application determination his approval or disapproval of this variance application.

**TITLE OF VARIANCE:** Permanent Variance Regarding Sprinklers and Fire Boundaries in Selected Areas of 221-H Canyon at the Savannah River Site (SRS) (Variance 1017)

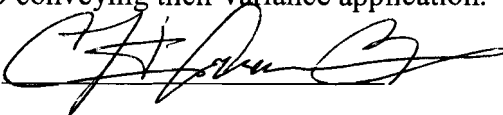
**BACKGROUND:** This action is in response to the attached September 22, 2008, Office of Environmental Management (EM) request to the Chief Health, Safety and Security Officer to recommend approval of a Savannah River Nuclear Solutions, LLC (SRNS), application for a permanent variance from certain requirements in title 10, Code of Federal Regulations, part 851 (10 C.F.R. 851). The EM request includes an attached September 5, 2008, Savannah River Operations Office (SR) recommendation to approve the application, and attached to the SR memorandum is SRNS' application. The SRNS application consists of an August 26, 2008, letter committing to abide by the variance that Under Secretary Albright approved (Variance 1016, attached) for the SRS predecessor contractor, Washington Savannah River Company, LLC (WSRC), on February 4, 2008, and correspondence documenting required workforce notification. The WSRC variance is identified as Variance 1016 in the HSS electronic system for processing variances.

The 10 C.F.R. 851, appendix A, section 2, requires contractors to meet applicable building codes and National Fire Protection Association (NFPA) codes and standards. The previously approved WSRC permanent variance addresses certain requirements in 10 C.F.R. 851, appendix A, section 2, “Fire Protection.” Specifically, the variance provides relief from requirements of NFPA 101, “Life Safety Code,” which requires automatic sprinkler protection throughout such structures as 221-H Canyon and NFPA Standard 37, “Combustible Liquids and Gas Turbines,” which requires enclosure of diesel generators by fire resistive construction.

We have determined that the conditions and measures to which SRNS is committed by adopting Variance 1016, including its supporting unclassified controlled nuclear information (UCNI) documents, satisfy the requirements of 10 C.F.R. 851.31 for requesting a permanent variance from the requirements of the applicable NFPA standards. Specifically, we find that SRNS has shown that “the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide workers a place of employment that is as safe and healthful as would result from compliance with the standard from which a variance is sought” as required by 10 C.F.R. 851.31(d)(2)(ii). We also find that 10 C.F.R. 851.31(c)(4) and (5) requirements to

notify workers of the application have been satisfied. Therefore, the variance request may be considered.

RECOMMENDATION: The Chief Health, Safety and Security Officer recommends that the Under Secretary of Energy approve a permanent variance (Variance 1017) requested by SRNS from certain requirements of NFPA 101 and NFPA Standard 37. The variance consists of Variance 1016 and its supporting UCNI documents and the attached August 26, 2008 SRNS letter to SRO conveying their variance application.

APPROVE: 

DISAPPROVE: \_\_\_\_\_

C.H. ALBRIGHT, JR.  
UNDER SECRETARY OF ENERGY

DATE: 12-30-08