



Department of Energy  
Washington, DC 20585

April 28, 2016

MEMORANDUM FOR DAVID M. KLAUS  
DEPUTY UNDER SECRETARY FOR  
MANAGEMENT AND PERFORMANCE

FROM: MATTHEW B. MOURY   
ASSOCIATE UNDER SECRETARY FOR  
ENVIRONMENT, HEALTH, SAFETY AND SECURITY

SUBJECT: Approval of a Permanent Variance for the Use of an Additional  
Harness with the Mine Safety Appliance PremAire® Breathing System  
at CH2M Hill Plateau Remediation Company

**ISSUE:** Whether to approve a permanent variance request (eVariance # 1029), made by CH2M Hill Plateau Remediation Company (CHPRC) at the Hanford Reservation Plutonium Finishing Plant, from certain respiratory protection requirements in title 10, Code of Federal Regulations, part 851 (10 CFR 851, the Rule), *Worker Safety and Health Program*.

**BACKGROUND:** Title 10 CFR 851.23 requires contractors to comply with the safety and health standards in 29 CFR 1910, *Occupational Safety and Health Standards*, that are applicable to the hazards at their workplace. 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.

The Deputy Assistant Secretary for Safety, Security, and Quality Programs, within the Office of Environmental Management (EM), indicates that EM Headquarters and Richland Operations Office endorse this permanent variance request. Copies of EM's approval and the CHPRC variance application are attached.

**JUSTIFICATION:** CHPRC is requesting a permanent variance from 10 CFR 851.23(a)(3), that requires in 29 CFR 1910.134(d)(1)(ii), the employer to "select NIOSH-approved certified respirators. The respirator shall be used in compliance with the conditions of its certification." CHPRC is requesting the use of an additional harness (MSA PremAire® respirator belt with an Occidental Leather, *Stronghold, Lights* suspender, Product No. 1546) in conjunction with the PremAire® Breathing System that is not currently a National Institute for Occupational Safety and Health-approved accessory.

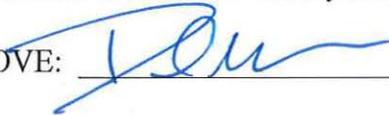
CHPRC has shown that the use of the additional harness, in conjunction with the PremAire® Breathing System, would provide equivalent or greater protection to the workers using the system at the Hanford Reservation Plutonium Finishing Plant. Also, the manufacturer of the PremAire® breathing system provided written documentation that the additional harness does not



interfere, replace, or alter any approved safety-related configuration of the PremAire® Breathing System.

Based upon a review by AU subject matter experts, AU recommends approval of CHPRC's variance application. The recommended approval is contingent upon implementation of the specific conditions, practices, means, and methods being used as described in the documentation provided that proposes to provide workers a place of employment that is as safe and healthful as would result from compliance with the standard from which the variance is sought as required by 10 CFR 851.31, *Variance Process*.

**RECOMMENDATION:** That you approve this permanent variance.

APPROVE:  \_\_\_\_\_

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

DATE: 4/23/2016 \_\_\_\_\_