



Department of Energy

Washington, DC 20585

November 9, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dwayne Wilson
President and Chief Executive Officer
Savannah River Nuclear Solutions, LLC
6160 Executive Woodside Court
Aiken, South Carolina 29803

WEA-2012-04

Dear Mr. Wilson:

This letter refers to the U.S. Department of Energy (DOE) Office of Health, Safety and Security's Office of Enforcement and Oversight investigation into the facts and circumstances associated with a worker fall from a Tele-Tower[®] Adjustable Work Platform in the K-Area Complex at the Savannah River Site on July 1, 2011. The results of DOE's investigation were provided to Savannah River Nuclear Solutions, LLC (SRNS) in an investigation report dated May 8, 2012. An enforcement conference was held on June 27, 2012, with you and members of your staff to discuss the report's findings and the SRNS corrective action plan. A summary of the conference and list of attendees is enclosed.

Although the direct cause of the fall has not been determined, DOE considers the serious injuries sustained by the worker and the regulatory violations revealed by the event to be safety significant. DOE's evaluation of this event identified substantive weaknesses in SRNS' processes to identify, control, and manage construction safety and industrial hygiene hazards during facility modifications at the Purification Area Vault in the K-Area. DOE believes that the aggregate of the SRNS work planning and hazard assessment and control deficiencies represent serious conditions that adversely impacted the safety and health of the exposed employees. In addition, this event demonstrated that SRNS management processes did not include a well-defined and comprehensive mechanism to provide the occupational medical service provider with access to information regarding on-the-job tasks and hazards associated with this type of work activity.

Based on an evaluation of the evidence in this matter, DOE has concluded that violations of 10 C.F.R. Part 851, *Worker Safety and Health Program*, by SRNS have occurred. Accordingly, DOE is issuing the enclosed Preliminary Notice of Violation (PNOV), which cites two Severity Level I violations and two Severity Level II violations with a total proposed base civil penalty of \$225,000.

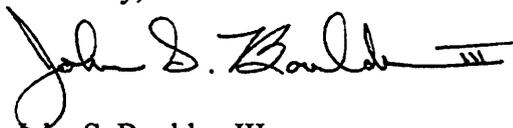


SRNS promptly responded to the fall injury event, and an SRNS team performed a comprehensive extent-of-condition review that included a scaffolding assessment. DOE has concluded that the corrective actions that SRNS is implementing appear to address many of the deficiencies identified in the DOE Accident Investigation Board report, dated August 8, 2011; the SRNS internal investigation; and the violations within this PNOV. DOE acknowledges SRNS' substantial progress in strengthening processes for identifying and controlling hazards and for reviewing and revising institutional procedures related to scaffolds, personal protective equipment, and training to ensure that workers are equipped to meet SRNS work performance expectations. In recognition of SRNS' response to the event and corrective actions that address the Part 851 violations in the enclosed PNOV, DOE is granting 50 percent mitigation for the Severity Level I violation related to hazard identification, assessment, prevention, and abatement; 25 percent mitigation for the Severity Level I violation related to scaffold safety; and 25 percent mitigation for the Severity Level II violation related to training and information. DOE believes that the violations associated with the occupational medical program represent longstanding programmatic deficiencies that SRNS has not addressed. Therefore, DOE has chosen not to grant mitigation for the Severity Level II violation related to occupational medicine. As a result, the total proposed civil penalty is \$159,375.

Pursuant to 10 C.F.R. § 851.42, *Preliminary Notice of Violation*, you are obligated to submit a written reply within 30 calendar days of receipt of the enclosed PNOV, and to follow the instructions specified in the PNOV when preparing your response. If no reply is submitted within 30 days, in accordance with 10 C.F.R. § 851.42(d), you relinquish any right to appeal any matter in the PNOV, and the PNOV will constitute a final order.

After reviewing your response to the PNOV, including any proposed additional corrective actions entered into DOE's Noncompliance Tracking System, DOE will determine whether further action is necessary to ensure compliance with worker safety and health requirements. DOE will continue to monitor the completion of corrective actions until these matters are fully resolved.

Sincerely,



John S. Boulden III

Director

Office of Enforcement and Oversight

Office of Health, Safety and Security

Enclosure: Preliminary Notice of Violation
Enforcement Conference Summary and List of Attendees

cc: David Moody, DOE-SR
Robert Martini, SRNS

Preliminary Notice of Violation

Savannah River Nuclear Solutions, LLC
Savannah River Site

WEA-2012-04

A U.S. Department of Energy (DOE) investigation into the facts and circumstances associated with the fall injury event that occurred on July 1, 2011, during facility modifications at the Purification Area Vault (PAV) of building 105-K in the K-Area Complex at the Savannah River Site (SRS), identified multiple violations of DOE worker safety and health requirements by Savannah River Nuclear Solutions, LLC (SRNS). The violations involved deficiencies in hazard identification, assessment, prevention, and abatement; scaffold safety; training and information; and occupational medicine.

DOE has grouped and categorized the violations as two Severity Level I violations and two Severity Level II violations, and in consideration of the mitigating factors, imposes a total proposed civil penalty of \$159,375. As explained in 10 C.F.R. Part 851, Appendix B, *General Statement of Enforcement Policy*, § VI(b)(1), “[a] Severity Level I violation is a serious violation. A serious violation shall be deemed to exist in a place of employment if there is a potential that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment.” Section VI(b)(2), “[a] Severity Level II violation is an other-than-serious violation. An other-than-serious violation occurs where the most serious injury or illness that would potentially result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm to employees but does have a direct relationship to their safety and health.”

As required by 10 C.F.R. § 851.42(b) and consistent with part 851, appendix B, the violations are listed below; and in accordance with 10 C.F.R. § 851.42(e), if this Preliminary Notice of Violation (PNOV) becomes a final order, SRNS will be required to post a copy of this PNOV .

I. VIOLATIONS

A. Hazard Identification, Assessment, Prevention, and Abatement

Title 10 C.F.R. § 851.10, *General requirements*, at paragraph (a), states that “[w]ith respect to a covered workplace for which a contractor is responsible, the contractor must: . . . (2) [e]nsure that work is performed in accordance with: (i) [a]ll applicable requirements of [10 C.F.R. Part 851]; and (ii) [w]ith the worker safety and health program for that workplace.”

Title 10 C.F.R. § 851.21, *Hazard identification and assessment*, at paragraph (a), states that “[c]ontractors must establish procedures to identify existing and potential workplace hazards and assess the risk of associated worker injury and illness. Procedures must include methods to: (1) [a]ssess worker exposure to chemical, physical, biological, or safety workplace hazards through appropriate workplace monitoring; (2) [d]ocument assessment for chemical, physical, biological, and safety workplace hazards using recognized exposure assessment and testing methodologies and using of accredited and certified laboratories;... (5) [e]valuate operations, procedures, and facilities to identify workplace hazards; [and] (6) [p]erform routine job activity-level hazard analyses...” In accordance with paragraph (c) of the same section, “[c]ontractors must perform [these activities] initially to obtain baseline information and as often thereafter as necessary to ensure compliance with the requirements [of 10 C.F.R. part 851, subpart C].”

Title 10 C.F.R. § 851.22, *Hazard prevention and abatement*, at paragraph (a), states that “[c]ontractors must establish and implement a hazard prevention and abatement process to ensure that all identified and potential hazards are prevented or abated in a timely manner.” This paragraph also requires that “(1) [f]or hazards identified . . . during the development of procedures, controls must be incorporated in the appropriate . . . procedure” and “(2) [f]or existing hazards identified in the workplace, contractors must: . . . (iii) [p]rotect workers from dangerous safety and health conditions.” Paragraph (b) of this section states that “[c]ontractors must select hazard controls based on the following hierarchy: (1) [e]limination or substitution of the hazards where feasible and appropriate; (2) [e]ngineering controls where feasible and appropriate; (3) [w]ork practices and administrative controls that limit worker exposures; and (4) [p]ersonal protective equipment.”

Title 10 C.F.R. § 851.23, *Safety and health standards*, subparagraph (a)(7), requires contractors to comply with 29 C.F.R. Part 1926, *Safety and Health Regulations for Construction*.

Title 29 C.F.R. § 1926.103, *Respiratory protection*, states that “[t]he requirements applicable to construction work under this section are identical to those set forth at 29 C.F.R. § 1910.134.” Title 29 C.F.R. § 1910.134, *Respiratory protection*, at subparagraph (d)(1)(i), *General requirements*, states that the “[e]mployer shall select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker is exposed and on the workplace and user factors that affect respirator performance and reliability.” In addition, subparagraph (d)(1)(iii) states “[e]mployers shall identify and evaluate the respiratory hazard(s) in the workplace; this evaluation shall include a reasonable estimate of employee exposures to respiratory hazard(s).”

ASTM International (ASTM) Standard F2413-05, *Standard Specification for Performance Requirements for Foot Protection*, which is invoked by SRNS Manual 8Q, Procedure 61, *Personal Protective Equipment*, (revision 12, dated December 16, 2010), at paragraph 8.4 of section 8, *Markings and Compliance Requirements*, states that “[t]he identification of all footwear as meeting the requirements of [ASTM Standard F2413-05] shall follow a consistent pattern. One-half pair shall be clearly and legibly identified in letters and numbers not less than 0.125 in. (3.175 mm) high. The identification shall be either a stitched in,

stamped, or pressure-sensitive label, or a combination thereof. The identification shall be enclosed in a border and be placed on either the surface of the tongue, gusset, shaft, or quarter lining.”

Contrary to these requirements, SRNS failed to establish and implement a work planning and control process that identified, assessed, and abated workplace hazards consistent with the applicable requirements and procedures invoked by the approved SRNS 10 C.F.R. Part 851 worker safety and health program entitled *Savannah River Nuclear Solutions, LLC Worker Safety and Health Program* (document No. S-SHP-B-00005, revision 1, dated July 2, 2010). Specific examples include the following:

1. SRNS did not provide workers with instructions in construction work package (WP) No. 1085377-01, *D&R/Modify KAMS Wall*, (revision 0, dated June 23, 2011), on methods to execute the activity associated with the removal of gypsum wallboard in the PAV as described in paragraph No. 4.19 of the Prerequisite section. Further, SRNS did not identify the potential hazards and controls related to cutting and handling sections of heavy and bulky three-quarter inch gypsum wallboard of various sizes by workers operating on mobile scaffold platforms at elevations of up to 25 feet. Craft workers used WP No. 1085377-01 as the primary document to conduct disassembly and removal (D&R) work in the PAV.
2. SRNS did not require the injured employee to wear shoes that met the impact classification and compression resistance requirements for Class 75 of ASTM Standard F2413-05, as required by Manual 8Q, Procedure 61, to protect against puncture and/or impact hazards while performing D&R work in the PAV.
3. SRNS did not implement a hazard prevention and abatement process based on part 851’s hierarchy of controls to mitigate worker exposure to crystalline silica during the performance of work activities for WP No. 1085377-01. SRNS provided employees with respiratory protection but did not identify, evaluate, or provide engineering or administrative controls to mitigate exposures to airborne crystalline silica. Personal air sampling data collected on June 29, 2011, indicated that the 2008 American Conference of Governmental Industrial Hygienists’ (ACGIH) 8-hour threshold limit value (0.025 milligrams per cubic meter, respirable fraction) for crystalline silica had been exceeded.
4. SRNS did not provide appropriate respiratory protection to employees during removal of gypsum wallboard at the K-Area PAV on July 1, 2011. The hazard assessment prepared on June 29, 2011, to downgrade respiratory protection did not include actual measurements taken at the work location or sufficient historical data obtained under conditions that closely resembled the process, quantity of material, work practices, and environmental conditions associated with the K-Area PAV renovation project. SRNS prematurely downgraded the requirements for respiratory protection in this work area before receiving the sample results from the June 29, 2011, sampling campaign.
5. SRNS did not barricade the work area below Tele-Tower® scaffolds A, B, and C in accordance with WP No. 1085377-01 to control unauthorized access to the area and to

warn employees on the floor of the potential dangers of falling gypsum wallboard, tools, and equipment during D&R activities in the PAV.

Collectively, these deficiencies constitute a Severity Level I violation.

Base Civil Penalty - \$75,000

Proposed Civil Penalty (as adjusted) - \$37,500

B. Scaffold Safety

Title 29 C.F.R. § 1926.451(c), *Criteria for supported scaffolds*, at subparagraph (1), states that “[s]upported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) shall be restrained from tipping by guying, tying, bracing, or equivalent means.”

Title 29 C.F.R. § 1926.451(f), *Use*, at subparagraph (3), states that “[s]caffolds and scaffold components shall be inspected for visible defects by a competent person before each work shift, and after any occurrence that could affect a scaffold’s structural integrity.”

Subparagraph (f)(7) of this section states that “[s]caffolds shall be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling, or alteration. Such activities shall be performed only by experienced and trained employees selected for such work by the competent person.”

Title 29 C.F.R. § 1926.451(g), *Fall protection*, at subparagraph (1), states that “[e]ach employee on a scaffold more than 10 feet (3.1 m[eters]) above a lower level shall be protected from falling to that lower level.” Subparagraph (g)(1)(vii) states that “[f]or all scaffolds not otherwise specified in paragraphs (g)(1)(i) through (g)(1)(vi) of [29 C.F.R. § 1926.451], each employee shall be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of paragraph (g)(4) of [29 C.F.R. § 1926.451].” Subparagraph (g)(4)(i) states that “[g]uardrail systems shall be installed along all open sides and ends of platforms. Guardrail systems shall be installed before the scaffold is released for use by employees other than erection/dismantling crews.” Subparagraph (g)(4)(ii) states that “[t]he top edge height of toprails or equivalent member on supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m[eters]) and 45 inches (1.2 m[eters]) above the platform surface.”

Title 29 C.F.R. § 1926.452(w), *Mobile Scaffolds*, at subparagraph (2), states that “[s]caffold casters and wheels shall be locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold is used in a stationary manner.”

Contrary to these requirements, SRNS failed to use and inspect Tele-Tower® scaffolds in accordance with applicable Occupational Safety and Health Administration (OSHA) scaffold requirements and SRNS procedures during D&R work activities in the PAV. Specific examples include the following:

1. SRNS did not apply the scaffold inspection and tagging requirements in Manual 8Q, Procedure 16, *Ladder and Scaffold Safety Requirements* (revision 12, dated January 31, 2007); CMP 11-1.1, *General Safety Rules and Policies* (revision 5, dated April 5, 2011); and Manual 8Q, Procedure 53, *Safety Inspections and Inspection Color Code* (revision 9, dated July 9, 2007) to ensure that the SRNS-appointed competent person:
 - a. Removed the existing green tags and applied red tags (“DANGER – Do Not Use – Keep off” tag) to the Tele-Tower[®] scaffolds during their assembly in preparation for use in the PAV; and
 - b. Inspected and tagged the Tele-Tower[®] scaffolds after assembly or after they were moved or modified.
2. SRNS did not implement scaffold installation, use, and fall protection requirements contained in Manual 8Q, Procedure 16; CMP 11-1.1; the Tele-Tower[®] Operator’s Manual; and the applicable OSHA regulations while workers were on the working platforms removing sections of gypsum wallboard within the PAV. For instance, SRNS did not:
 - a. Prohibit workers from using the platforms of Tele-Tower[®] scaffolds B and C while they were moved.
 - b. Prohibit workers from using the intermediate platforms of Tele-Tower[®] scaffolds B and C equipped with Model 1177 extensions to handle discarded sections of gypsum wallboard.
 - c. Adjust Tele-Tower[®] scaffolds B and C base outriggers or otherwise restrain the scaffolds from tipping when they exceeded their maximum allowable height to base width ratio of four to one (4:1).
 - d. Engage latch pins to secure the base outriggers nearest the wall before workers climbed Tele-Tower[®] scaffolds A, B, and C or worked from the scaffold platforms.
 - e. Lock the casters of Tele-Tower[®] scaffolds B and C to prevent their movement before workers climbed the scaffolds or worked from the scaffold platforms.
 - f. Assess the location of overhead obstructions before assembling Tele-Tower[®] scaffold. When obstructions were encountered, SRNS removed the top rail of the scaffold guardrail system to accommodate the obstructions and did not select proper hazard control measures to protect workers from potential falls from a scaffold platform that had a noncompliant guardrail.

Collectively, these deficiencies constitute a Severity Level I violation.

Base Civil Penalty - \$75,000

Proposed Civil Penalty (as adjusted) - \$56,250

C. Training and Information

Title 10 C.F.R. § 851.25, *Training and information*, at paragraph (a), states that “[c]ontractors must develop and implement a worker safety and health training and information program to ensure that all workers exposed or potentially exposed to hazards are provided with the training and information on that hazard in order to perform their duties in a safe and healthful manner.” Paragraph (c) states that “[c]ontractors must provide training and information to workers who have worker safety and health program responsibilities that is necessary for them to carry out those responsibilities.”

Title 29 C.F.R. § 1926.21(b), *Employer responsibility*, at subparagraph (2), states that “[t]he employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.”

Title 29 C.F.R. § 1926.454, *Training requirements*, at paragraph (a), states that “[t]he employer shall have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. The training shall include the following areas, as applicable: (1) The nature of any electrical hazards, fall hazards and falling object hazards in the work area; (2) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used; [and] (3) The proper use of the scaffold, and the proper handling of materials on the scaffold.”

Title 29 C.F.R. § 1926.454, at paragraph (b), states that “[t]he employer shall have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training shall include the following topics, as applicable: (1) The nature of scaffold hazards; [and] (2) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question.”

Title 29 C.F.R. § 1926.454, at paragraph (c), states that “[w]hen the employer has reason to believe that an employee lacks the skill or understanding needed for safe work involving the erection, use, or dismantling of scaffolds, the employer shall retrain each such employee so that the requisite proficiency is regained. Retraining is required in at least the following situations: (1) Where changes at the worksite present a hazard about which an employee has not been previously trained; or (2) Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained.”

Contrary to these requirements, SRNS failed to properly qualify and train workers in safety-related work practices and procedural requirements necessary to perform D&R activities in the PAV. Specific examples include the following:

1. SRNS did not ensure that workers had the proper knowledge and skills to recognize hazards, implement protective measures, and perform duties related to the competent person associated with the operation of Tele-Tower[®] scaffolds used in D&R activities at the PAV.
 - a. Eight of the 11-member composite crew of carpenters and laborers assigned to perform D&R work in the PAV did not complete Course No. TMAR 4400, *Scaffold and Ladder Safety for Users* (approved on May 18, 2007), which SRNS developed to meet the scaffold and ladder safety requirements prescribed by 29 C.F.R. Part 1926 and Manual 8Q, Procedure 16.
 - b. SRNS designated and used Course No. E5200027, *Competent Person Fall Protection* (approved on April 7, 1997) as a substitute for Course No. TMAR 4400 to train members of the composite crew. Course No. E5200027 does not include scaffold-related requirements.
 - c. SRNS did not ensure that the scaffolding training for the competent person fully covered the requirements prescribed in Manual 8Q, Procedure 16. Members of the composite crew and the SRNS-appointed competent person for the D&R project completed Course No. E5200028, *Shift Scaffold Inspector Competent Person*, and Course No. E5200037, *Site Specific Scaffold Competent Person*. These courses did not cover Tele-Tower[®] scaffold requirements and the current SRNS three-tag system for scaffolds.
 - d. SRNS did not implement the retraining criteria in Manual 8Q, Procedure 16 applicable to equipment not previously used on site. SRNS did not train workers on Tele-Tower[®] scaffolds before the equipment was first introduced at SRS in 2004.
2. SRNS did not meet the provisions for pre-job briefings in manual 2S, procedure 2.1, to ensure that workers were fully aware of the hazards and controls associated with the D&R work evolution in the PAV. SRNS completed and approved the Safe Work Permit section of WP No. 1085377-01 the day after the D&R pre-job briefing was held. Furthermore, not all members of the composite crew attended the pre-job briefing, as indicated by worker signatures and dates in the briefing attendance roster. SRNS did not ensure that separate discussions were held with workers who missed the briefing.

Collectively, these deficiencies constitute a Severity Level II violation.

Base Civil Penalty - \$37,500

Proposed Civil Penalty (as adjusted) - \$28,125

D. Occupational Medicine

Title 10 C.F.R. Part 851, Appendix A, Section 8, *Occupational Medicine*, at paragraph (d), states that “[c]ontractors must provide the occupational medicine providers with access to hazard information by promoting its communication, coordination, and sharing among operating and environment, safety, and health protection organizations.” In accordance with

subparagraph (d) (1), “[c]ontractors must provide the occupational medicine providers with access to information on the following: (i) [c]urrent information about actual or potential work-related site hazards (chemical, radiological, physical, biological, or ergonomic); (ii) [e]mployee job-task and hazard analysis information, including essential job functions; (iii) [a]ctual or potential work-site exposures of each employee; and (iv) [p]ersonnel actions resulting in a change of job functions, hazards, or exposures.” In accordance with paragraph (g) of section 8, “[t]he occupational medicine services provider must determine the content of the worker health evaluations, which must be conducted under the direction of a licensed physician, in accordance with current sound and acceptable medical practices and all pertinent statutory and regulatory requirements.” Paragraph (g)(2) provides that “[h]ealth evaluations must be conducted when determined necessary by the occupational medicine provider for the purpose of providing initial and continuing assessment of employee fitness for duty.” Under subparagraph (g)(2)(iii), health evaluations include “[d]iagnostic examinations [that] evaluate employee’s injuries and illnesses to determine work-relatedness, the applicability of medical restrictions, and referral for definitive care, as appropriate.”

Title 10 C.F.R. § 851.23, *Safety and health standards*, paragraph (a)(3), requires contractors to comply with 29 C.F.R. Part 1910, *Occupational Safety and Health Standards*, excluding 29 C.F.R § 1910.1096, *Ionizing Radiation*.

Title 29 C.F.R. § 1910.134, at subparagraph (e)(2), *Medical evaluation procedures*, states at subparagraph (i) that the “[e]mployer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial medical examination that obtains the same information as the medical questionnaire.” Subparagraph (e)(2)(ii) of this section states that “[t]he medical evaluation shall obtain the information requested by the questionnaire in Sections 1 and 2, Part A of [29 C.F.R. § 1910.134, Appendix C, *OSHA Respirator Medical Evaluation Questionnaire (Mandatory)*].” In addition, subparagraph (e)(5) of this section, *Supplemental information for the PLHCP*, provides at subparagraph (i) that “[t]he following information must be provided to the PLHCP before the PLHCP makes a recommendation concerning an employee’s ability to use a respirator: (A) [t]he type and weight of the respirator to be used by the employee; (B) [t]he duration and frequency of respirator use (including use for rescue and escape); (C) [t]he expected physical work effort; (D) [a]dditional protective clothing and equipment to be worn; and (E) [t]emperature and humidity extremes that may be encountered.”

Contrary to these requirements, SRNS failed to implement an occupational medicine program that met parts 851 and 1910 requirements for providing the occupational medicine provider with access to information about job tasks and actual or potential work-related site hazards, including employee-specific job hazard analyses. Specific examples include the following:

1. SRNS did not ensure that the injured worker’s *OSHA Respirator Medical Evaluation Questionnaire (Mandatory)* (Form OSR 2-108) contained all mandatory and supplemental information required for a PLHCP to make a recommendation concerning an employee’s ability to use a respirator. The responses identified on the form were not consistent with

the employee's medical records and did not identify or characterize the work activities necessitating the use of a respirator. Manual Q3.1, Procedure 1001, does not identify any other mechanism for providing mandatory and supplemental information to the PLHCP for this determination.

2. The occupational medicine provider used the injured worker's SRNS Human Reliability Program (HRP) Job Task Analysis (JTA) Worksheet (JTA number CONSTR-08, Laborer, revision 3, dated October 19, 2010) to assess fitness for duty and determine the content of the worker's health evaluation. The worksheet did not include all chemical, physical, and ergonomic hazards associated with WP No. 1085377-01.
3. SRNS did not communicate current information to the occupational medicine provider about actual or potential work-related hazards, employee-specific job tasks, and hazard analyses for workers not participating in the HRP. Access to this information is required for the occupational medicine provider to recommend the content of worker health evaluations.

Collectively, these deficiencies constitute a Severity Level II violation.

Base Civil Penalty - \$37,500

Proposed Civil Penalty (as adjusted) - \$37,500

II. REPLY

Pursuant to 10 C.F.R. § 851.42(b)(4), SRNS is hereby obligated, within 30 calendar days of receipt of this PNOV, to submit a written reply. The reply should be clearly marked as a "Reply to the Preliminary Notice of Violation."

If SRNS chooses not to contest the violations set forth in this PNOV and the proposed remedy, then the reply should state that SRNS waives the right to contest any aspect of this PNOV and the proposed remedy. In such cases, the total proposed civil penalty of \$159,375 must be remitted within 30 calendar days after receipt of this PNOV by check, draft, or money order payable to the Treasurer of the United States (Account 891099) and mailed to the address provided below. This PNOV will constitute a final order upon the filing of the reply.

If SRNS disagrees with any aspect of this PNOV or the proposed remedy, then, as applicable and in accordance with 10 C.F.R. § 851.42(c)(1), the reply must: (1) state any facts, explanations, and arguments that support a denial of an alleged violation; (2) demonstrate any extenuating circumstances or other reason why the proposed remedy should not be imposed or should be [further] mitigated; and (3) discuss the relevant authorities that support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE. In addition, 10 C.F.R. § 851.42(c)(2) requires that the reply include copies of all relevant documents.

Please send the appropriate reply by overnight carrier to the following address:

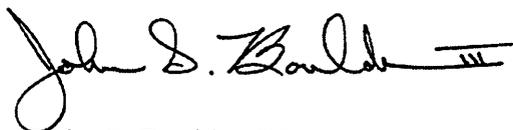
Director, Office of Enforcement and Oversight
Attention: Office of the Docketing Clerk
U.S. Department of Energy
19901 Germantown Road
Germantown, MD 20874-1290

A copy of the reply should also be sent to the Manager of the Savannah River Operations Office.

Pursuant to 10 C.F.R. § 851.42(d), if SRNS does not submit a written reply within 30 calendar days of receipt of this PNOV, SRNS relinquishes any right to appeal any matter in this PNOV, and this PNOV, including the proposed remedy, will constitute a final order.

III. CORRECTIVE ACTIONS

Corrective actions that have been or will be taken to avoid further violations should be delineated, with target and completion dates, in DOE's Noncompliance Tracking System.



John S. Boulden III
Director
Office of Enforcement and Oversight
Office of Health, Safety and Security

Washington DC
This 9th day of November 2012