



Department of Energy

Washington, DC 20585

November 7, 2012

Mr. M.F. Sharif
President and Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

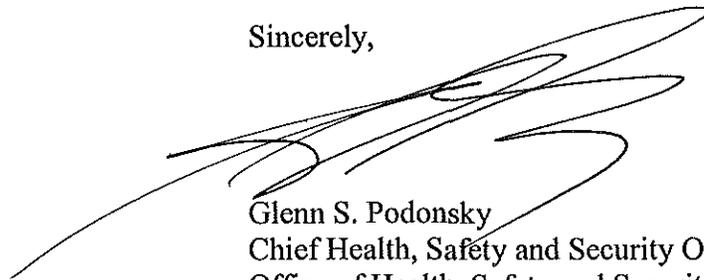
Dear Mr. Sharif:

This letter is in response to your August 14, 2012, request for exemption from relief from specified requirements contained in title 10, Code of Federal Regulations, part 835 (10 C.F.R. 835), *Occupational Radiation Protection*, as they pertain to total and removable surface contamination values for Plutonium-241. The Office of Environmental Management forwarded a request to the Office of Health, Safety and Security on October 11, 2012, recommending approval.

Nuclear Waste Partnership, LLC (NWP) will assume the duties of Management and Operating of the Waste Isolation Pilot Plant facility from URS Washington TRU Solutions LLC (WTS). On January 3, 2011, this office granted WTS an exemption, with conditions, from the applicable requirements in 10 C.F.R. 835. In your letter, you request the same exemption that had been granted to WTS and state that the "basis for the original exemption request and the conditions within still apply and have not been altered since the exemption was approved."

In support of the January 3, 2011, exemption granted to WTS, this office conducted a technical review of the exemption request and determined that the conditions for granting an exemption had been met. Given that those conditions have not changed, we are granting NWP the enclosed exemption, with a condition, from the applicable provisions of 10 C.F.R. 835.

Sincerely,



Glenn S. Podonsky
Chief Health, Safety and Security Officer
Office of Health, Safety and Security

Enclosure

cc w/enclosure:
See attached list.



EXEMPTION DECISION

Pursuant to title 10, Code of Federal Regulations, part 820.61 (10 C.F.R. 820.61), the Chief Health, Safety and Security Officer is authorized to exercise authority on behalf of the U.S. Department of Energy (DOE) with respect to requests for exemptions from nuclear safety rules relating to radiological protection of workers, the public, and the environment.

Under the terms set forth in 10 C.F.R. 820.61, on August 14, 2012, Nuclear Waste Partnership LLC (NWP) submitted a request for relief from specified requirements contained in 10 C.F.R. 835, *Occupational Radiation Protection*, as they pertain to total and removable surface contamination values for Plutonium-241 (^{241}Pu).

Under the terms set forth in 10 C.F.R. 820.61, I am granting the review and approval authority for exemption requests made with respect to 10 C.F.R. 835. Based on a review of the supporting documentation, I find that the request set forth above has been justified for relief. Specifically, I find that the exemption criteria of 10 C.F.R. 820.62 have been met. Also, the requested exemption is not prohibited by law; will not present an undue risk to the public health and safety, the environment, or facility workers; and is consistent with the safe operation of a DOE nuclear facility. I have determined that the exemption meets the special circumstances described in the technical review prepared by the Office of Worker Safety and Health Policy, which constitute a sufficient basis upon which to grant this exemption with a condition.

On the basis of the foregoing, I hereby issue the permanent Exemption Decision for NWP from the 10 C.F.R. 835 provision listed in the following condition.

Condition:

NWP shall update its radiation protection program to reflect the changes in the following provision:

§ 835.2 Definitions.

(a) As used by NWP radiation protection program for the Waste Isolation Pilot Plant:

Transuranics, as used in this Exemption Decision, means any radionuclide with an atomic number greater than 92, excluding ^{241}Pu . For all 10 C.F.R. 835 provisions related to appendix D, ^{241}Pu shall be evaluated using the beta-gamma emitters' limits.

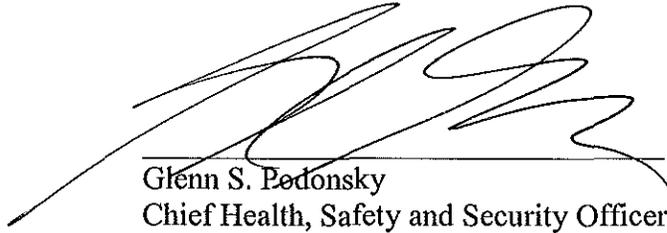
This Exemption Decision applies to release of material and equipment to a controlled area. Release of material and equipment outside of a controlled area is beyond the scope of this Exemption Decision.

As always, based on this and subsequent evaluations, DOE reserves the right to modify the conditions of the Exemption Decision upon notice to NWP. As such, DOE reserves the right to perform periodic inspections of activities covered by the scope of this Exemption Decision.

Pursuant to 10 C.F.R. 820.66, NWP has 15 days from the date of the filing of this decision to file a Request to Review with the Secretary of Energy. The Request to Review shall state, specifically, the respects in which the exemption determination is claimed to be erroneous, the grounds of the request, and the relief requested. If no Request to Review is submitted, the Exemption Decision becomes a Final Order 15 days after it is filed.

11/7/12

Date



Glenn S. Podonsky
Chief Health, Safety and Security Officer
Office of Health, Safety and Security