Department of Energy
Germantown, MD 20874-1290

March 20, 2000

Mr. Phillip D. Rutherford
The Boeing Company
Rocketdyne Propulsion and Power
6638 Canoga Avenue
P.O. Box 7922
Canoga Park, California 91309-7922

Dear Mr. Rutherford:

On January 5, 1996, the Department of Energy (DOE) Assistant Secretary, Environment, Safety and Health issued an Exemption Decision that granted the Energy Technology Engineering Center (ETEC) an exemption, with specified conditions, from a provision in Title 10 Code of Federal Regulations, Part 835 (10 CFR 835), "Occupational Radiation Protection," which required written examinations for general employee radiation training (10 CFR 835.901(a)). At the time of the request, DOE activities involving personnel exposure to ionizing radiation were being conducted under a DOE approved Radiation Protection Program (RPP) submitted by ETEC. Since that time, your company has assumed responsibility for these activities.

Title 10 CFR 835 was originally published as a final rule in the Federal Register on December 14, 1993. On November 4, 1998, an amendment to 10 CFR 835 was published in the Federal Register that revised several of the requirements in 10 CFR 835, including a requirement for which an exemption was granted. The Office of Worker Health and Safety reviewed the January 5, 1996, Exemption Decision and determined that based on changes made to the requirements in the November 4, 1998, amendment, the exemption from 10 CFR 835.901(a) that excused ETEC from the requirement to use written examinations to verify the knowledge of radiation safety possessed by general employees is no longer needed.

Title 10 CFR 835, subpart B, specifies that DOE activities be conducted in accordance with a documented RPP as approved by DOE. Accordingly, the above Exemption Decision will be considered to be terminated when The Boeing Company - Rocketdyne Propulsion and Power achieves compliance with their RPP, which has been updated as a result of the November 4, 1998, amendment to 10 CFR 835.

Sincerely,

Joseph E. Fitzgerald, Jr.
Deputy Assistant Secretary
Worker Health and Safety

cc: Distribution

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