



Department of Energy

Washington, DC 20585

March 11, 2004

Mr. James Archibald
General Manager
S.M. Stoller Corporation
2597 B 3/4 Road
Grand Junction, Colorado 81503

Dear Mr. Archibald:

This is in response to your July 17, 2003, letter, subsequently endorsed by a January 28, 2004, memorandum from the Office of Legacy Management, requesting an exemption from certain provisions contained in Title 10 Code of Federal Regulations, part 835 (10 CFR 835), "Occupational Radiation Protection." Specifically, you have requested that the exemption initially granted by the Department of Energy (DOE) to RUST Geotech, Inc., in 1996, updated in 1999, and granted to Wastren, Inc., in 2000, be granted to the S.M. Stoller Corporation.

RUST Geotech, Inc., requested an exemption from certain provisions of 10 CFR 835 as they applied to dose assessments, performing real time air monitoring, posting, and personal monitoring for radon, thoron, and their progeny. In response to the request, an exemption to a set of 10 CFR 835 provisions was granted on February 9, 1996 (exemption decision GPO-10 CFR 835-EX-02). The original exemption was updated on March 16, 1999, in response to the November 4, 1998, amendment to 10 CFR 835, and subsequently granted to Wastren Inc., on March 23, 2000. This exemption permitted a practical application of the system of radiation protection provided in 10 CFR 835 to exposure of DOE workers from radon, thoron, and their progeny, and provided relief from regulatory problems with the control of occupational exposure to radon, thoron, and their progeny. Since that time your company has assumed responsibility for these activities.

Your July 17, 2003, letter states the technical position provided with the exemption decisions granted to RUST Geotech, Inc., remains valid. Accordingly, I am granting the S.M. Stoller Corporation the same exemptions that were granted originally to RUST Geotech, Inc. (as updated on March 16, 1999), and subsequently, granted to Wastren, Inc., on February 29, 2000.

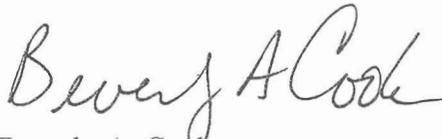


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Enclosed is an updated version of the exemption decision granted to S.M. Stoller Corporation that reflects the changes to the exemption decision promulgated on March 16, 1999. Note that the February 9, 1996, technical position accompanying the original exemption decision remains in effect.

The DOE Office of Legacy Management staff concurs with this response. If you have any questions on this matter, please contact Dr. Joel L. Rabovsky, Office of Worker Protection Policy and Programs, on 301-903-2135 or at joel.rabovsky@eh.doe.gov.

Sincerely,



Beverly A. Cook
Assistant Secretary
Environment, Safety and Health

Enclosure

cc w/enclosure:

K.R. Whitham, DOE/ID
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Donna Bergman-Tabbert, DOE/LM-50
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Docketing Clerk, DOE/EH-8
M. Hurshman, S.M. Stoller Corporation
Radiological Control Coordinating Committee

EXEMPTION DECISION

Pursuant to Title 10 Code of Federal Regulations, part 820.61 (10 CFR 820.61), the Assistant Secretary for Environment, Safety and Health is authorized to exercise authority on behalf of the 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.

The Office of Legacy Management contractor, S.M. Stoller Corporation (Stoller), filed a request with the Department for an exemption from certain requirements contained in 10 CFR 835, "Occupational Radiation Protection," for monitoring, reporting, posting, and assessing dose from occupational exposure to radon and/or thoron, and their progeny. An exemption from these provisions was originally granted to RUST Geotech, Inc., February 9, 1996 (exemption decision GPO-10 CFR 835-EX-02). The original exemption was updated March 16, 1999, in response to the November 4, 1998, amendment to 10 CFR 835 and subsequently granted to Wastren Inc., March 23, 2000. The original exemption request states that the exemption is authorized by law; will not present 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. In addition, because Stoller performs similar activities at similar locations to those that were performed by RUST Geotech, Inc., and the isotopic mix of radioactive contaminants remains unchanged since the original exemption was issued, the exemption request meets the special circumstances provided in 10 CFR 820.62.

Based on a review of the supporting documentation, relief from provisions 835.(1)(b)(6), 835.2(a), 835.4, 835.202(c), 835.402(c)(1), 835.403(a)(1), 835.702(c)(4)(iii), and Appendix C of 10 CFR 835 as they apply to monitoring, reporting, posting, and assessing dose from occupational exposure to radon and/or thoron, and their progeny, is justified. The technical position that accompanied the exemption granted to RUST Geotech, Inc., February 9, 1996, which discusses the rationale for upon which the exemption decision is based, remains valid.

Exemptions Granted

§835.(1)(b)(6), §835.2(a), §835.4, §835.202(c), §835.402(c)(1), §835.403(a)(1), §835.702(c)(4)(iii), and Appendix C.

Based on the foregoing, I hereby approve the Stoller Request for Exemption on a permanent basis commencing on the date of signature set forth below subject to the following conditions:

- The contractor utilizes the revised definitions for airborne radioactivity areas, controlled areas, occupational exposures, and radiological workers;

- For the purpose of determining occupational exposure of individuals from radon and thoron, the contractor does not exclude background levels of these radionuclides from individual occupational exposure monitoring results; and
- The contractor utilizes the revised thresholds for monitoring radiological workers' exposure to radon and thoron and their progeny of 500 mrem committed effective dose equivalent, and the revised air sampling threshold of 10 percent annual limit on intake.

These exemptions will no longer be effective when the Department revises regulatory provisions pertaining to the specific provisions for which the exemptions are granted.

Pursuant to 10 CFR 820.66, Stoller has 15 days from the date of the filing of this decision to file a Request to Review with the Secretary. 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.

Beverly A. Cook
Assistant Secretary
Environment, Safety and Health

APPROVE

Beverly A. Cook

DISAPPROVE

DATE

3/11/04