



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD
ARLINGTON, TX 76011-4511

June 22, 2015

Mr. Robert Ryan
Operations Support Manager & Western Region Manager
CTOS - Center for Rad/Nuc Training
National Security Technologies LLC
Contractor to the United States Department of Energy
P.O. Box 98521
Las Vegas, NV 89193-8521

SUBJECT: DEPARTMENT OF ENERGY PRIME CONTRACTOR EXEMPTION UNDER
10 CFR 30.12

Dear Mr. Ryan:

The Nuclear Regulatory Commission (NRC) is in receipt of your letter dated April 13, 2015, on behalf of National Security Technologies (NSTec), LLC, a prime contractor with the U.S. Department of Energy (DOE) Nevada National Security Site, requesting authorization to conduct training in Humble, Texas, using radioactive sealed sources during June 29, 2015, through July 2, 2015, under a Title 10 Code of Federal Regulations CFR 30.12 (10 CFR 30.12) exemption. The objective of the training is to develop the knowledge, skills, and confidence of first responders from local jurisdictions in preventing and responding to radiological/nuclear weapons of mass destruction events.

The NRC regulations provide an exemption in 10 CFR 30.12 to any prime contractor of DOE at a government owned or controlled site, such as NSTec. However, if the prime contractor or subcontractor is performing work for DOE at another location which is not a government owned or controlled site, then the Commission needs to determine whether the exemption is authorized by law and whether, under the terms of the contract, there is adequate assurance that the work thereunder can be accomplished without undue risk to public health and safety.

In this particular case, NSTec has requested to conduct work activities in the State of Texas, which is an Agreement State. Under a Commission Policy Statement (46 FR 7540, January 23, 1981), Agreement States may issue case-by-case exemptions only upon a joint determination by the State and the NRC that the necessary findings have been made; hence the requirement in Texas' regulations that the determination of the grant of a specific exemption be made jointly with the NRC.

The NRC has reviewed the salient parts of NSTec's prime management and operating contract with DOE that was submitted as part of previous requests. As stated in the request letter, NSTec is still operating under this contractual agreement. The review determined that the exemption under 10 CFR 30.12 is authorized by law. Additionally, the procedures submitted earlier by NSTec for conducting work activities in the State of Texas were reviewed.

R. Ryan

-2-

Based on this review, the NRC and the State of Texas have determined that there is adequate assurance that the activity can be accomplished without undue risk to public health and safety. Therefore, the exemption under 10 CFR 30.12 is authorized by law.

If there are any questions or comments concerning this review, please contact Latischa Hanson, Health Physicist, at 817-200-1286 or the undersigned at 817-200-1106.

Sincerely,

/RA/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

cc: Richard A. Ratliff, P.E., L.M.P., Director
Radiation Safety Licensing Branch
Division of Regulatory Services, MC 2835
Texas Department of State Health Services
P.O. Box 149347
Austin, TX 78714-9347

R. Ryan

Based on this review, the NRC and the State of Texas have determined that there is adequate assurance that the activity can be accomplished without undue risk to public health and safety. Therefore, the exemption under 10 CFR 30.12 is authorized by law.

If there are any questions or comments concerning this review, please contact Latischa Hanson, Health Physicist, at 817-200-1286 or the undersigned at 817-200-1106.

Sincerely,

/RA/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

cc: Richard A. Ratliff, P.E., L.M.P., Director
Radiation Safety Licensing Branch
Division of Regulatory Services, MC 2835
Texas Department of State Health Services
P.O. Box 149347
Austin, TX 78714-9347

DISTRIBUTION:

M. Shaffer, D:DNMS
L. Howell, DD:DNMS
C. Einberg, NMSS
J. Whitten, C:NMSB-B
V. Dricks, PAO
L. Uselding, PAO
L. Hanson, NMSB-B
J. Cook, NMSB-B
R. Erickson, SAO
B. Tharakan, SAO

DOCUMENT NAME: S:\DNMS\DNMSDIR\!!ADMIN\NST EXEMPTION LETTER FOR HUMBLE15.DOCX

<input checked="" type="checkbox"/> SUNSI Review Complete By: LMH		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	NSMB-B	NMSB-B	C:NMSB-B	D:DNMS	
NAME	LMHanson	RJTorres	JEWhitten	MRShaffer	
SIGNATURE	/RA/	/RA/	/RA/	/RA By LLHowell Acting For/	
DATE	06/09/2015	06/09/2015	06/12/2015	06/ /2015	

OFFICIAL RECORD COPY