



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

November 14, 2016

Director, Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

70-398

ATTN: T.D. Naquin, Program Manager, License No. SNM-362

Dear Mr. Naquin:

On October 3, 2016, Thomas J. O'Brien, the Radiation Safety Officer (RSO) for License No. SNM-362, entered phased retirement. NIST designated Janna Shupe to serve as the interim RSO. NIST communicated these changes to NRC Headquarters and Region 1 on September 23, 2016.

NIST is currently engaged in hiring a permanent RSO at the GS-15 level. This process has prompted NIST to request an amendment of the language in License No. SNM-362 pertaining to the qualifications and training of the RSO. See enclosure, **Application for Amendment to License No. SNM-362**.

License No. SNM-362 currently states:

"The NIST Gaithersburg RSO, at a minimum, must be certified in Health Physics by the American Board of Health Physics or must have a Bachelor's degree in a science or engineering field and have at least five years of professional-level experience in applied Health Physics."

NIST proposes to replace this language with language aligned with NUREG 1556, Volume 11, Revision 1, Section 8.7.3, RSO Qualifications and Training:

The NIST Gaithersburg RSO must have the following qualifications and training:

- (1) At a minimum, a college degree at the bachelor level or equivalent training and experience in physical, chemical, biological sciences, or engineering;
- (2) Training and experience commensurate with the types, forms, and quantities of radioactive material authorized on the license;
- (3) Training and experience sufficient to identify and control anticipated radiation hazards associated with the use, in research and development, of radioactive material authorized on the license; and
- (4) Experience in applying knowledge of the regulatory requirements applicable to licensed activities.

NM5520

NIST

Item 1 repeats verbatim the language in Section 8.7.3. This language is also necessary for NIST to comply with the U.S. Office of Personnel Management (OPM) qualification standard for the Health Physics series. This standard requires Federal agencies to consider equivalent combinations of education and experience.

Items 2 and 3 address the fact that, as per Section 8.7.3, the RSO must have "training and experience commensurate with the scope of licensed activities, ... including experience with similar types, forms, quantities, and uses of radioactive material", and experience "sufficient to identify and control anticipated radiation hazards".

Item 4 addresses the need for the RSO to understand and have experience applying the regulatory requirements applicable to licensed activities.

In summary, the language requested in the **Application for Amendment to License No. SNM-362** is consistent with the guidance in NUREG 1556, Volume 1, Revision 1, Section 8.7.3 and the OPM qualification standard for the Health Physics series. The requested language is much more stringent than the current language in requiring training and experience commensurate with the scope of licensed activities, the radiation hazards to be identified and controlled, and the regulations to be applied.

Please contact me at 301-975-4502 or richard.kayser@nist.gov if you have any questions about this request.

Sincerely,



Richard F. Kayser
Chief Safety Officer
Director, Office of Safety, Health, and Environment
Executive Management Representative, NIST Ionizing Radiation Safety Committee

Enclosure: Application for Amendment to License No. SNM-362

cc: Janna Shupe, NIST, Interim RSO
Alan Thompson, NIST, Chair, IRSC
Manny Mejias, Acting Chief, Gaithersburg Radiation Safety Division

NRC FORM 313

(06-2016)
10 CFR 30, 32, 33, 34
35, 36, 37, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPLICATION FOR MATERIALS
LICENSE

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 06/30/2019

Estimated burden per response to comply with this mandatory collection request: 4.3 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the FOIA, Privacy, and Information Collections Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollections.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

INSTRUCTIONS: SEE THE CURRENT VOLUMES OF THE NUREG-1556 TECHNICAL REPORT SERIES ("CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES") FOR DETAILED INSTRUCTIONS FOR COMPLETING THIS FORM: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>. SEND TWO COPIES OF THE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

MATERIALS SAFETY LICENSING BRANCH
DIVISION OF MATERIAL SAFETY, STATE, TRIBAL AND RULEMAKING PROGRAMS
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA,
KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY,
NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH
CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA,

SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND
APPLICATIONS TO:

MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS,
LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH
DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS,
UTAH, WASHINGTON, OR WYOMING,

SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
1600 E. LAMAR BOULEVARD
ARLINGTON, TX 76011-4511

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.

1. THIS IS AN APPLICATION FOR (Check appropriate item)

☐

A. NEW LICENSE

☒

B. AMENDMENT TO LICENSE NUMBER

SNM-362

☐

C. RENEWAL OF LICENSE NUMBER

2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)

National Institute of Standards and Technology
100 Bureau Drive, Mail Stop 1731
Gaithersburg, MD 20899-1731

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Janna Shupe

BUSINESS TELEPHONE NUMBER

3019755804

BUSINESS CELLULAR TELEPHONE NUMBER

2402747015

BUSINESS EMAIL ADDRESS

janna.shupe@nist.gov

SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL

a. Element and mass number; b. chemical and/or physical form; and c. maximum amount
which will be possessed at any one time.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR
TRAINING AND EXPERIENCE.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSE FEES (Fees required only for new applications, with few exceptions*)

(See 10 CFR 170 and Section 170.31)

*Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee.

FEE
CATEGORYAMOUNT
ENCLOSED \$13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING
UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN
CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 37, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND
CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.
WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO
ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE

Richard F. Kayser, Chief Safety Officer

SIGNATURE

DATE

11/14/16

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
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APPROVED BY

DATE

1 **ITEM 7: INDIVIDUALS RESPONSIBLE FOR THE RADIATION SAFETY**
2 **PROGRAM, RADIATION SAFETY OFFICER (RSO)**

3
4 **CURRENT LICENSE LANGUAGE:**

5 The NIST Gaithersburg RSO, at a minimum, must be certified in Health Physics by the
6 American Board of Health Physics or must have a Bachelor's degree in a science or engineering
7 field and have at least five years of professional-level experience in applied Health Physics.

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9 **REQUESTED LICENSE LANGUAGE:**

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