

Note for the Record

April 27, 2020

SUBJECT: Part 36 Facility Exemptions

On April 13, 2020, a call was held between Mr. Manuel Mejias, the Radiation Safety Officer for SNM-362, the Department of Commerce National Institute of Standards and Technology (NIST), Mr. Leo Wardrobe, Region I representative for inspection and compliance, and the Fuel Facilities Licensing Branch to discuss the subject licensing exemptions. The NIST has had a Part 36 irradiator facility for many years, which provides support to research and calibrations for many different programs nationally. In 2017, the NIST began a major renovation to the Health Physics Building (B245) that includes adding a new multi-story research wing that includes a new Part 36 irradiation facility.

By letter dated October 7, 2017, NIST submitted a License Amendment Request (Agencywide Documents Access and Management System [ADAMS]) Accession Number ML17290A363), requesting to commence construction in accordance with Title 10 Code of Federal Regulations (10 CFR) Part 36.15, Commencement of Construction. This was approved by letter dated November 21, 2017 (ADAMS Accession No. ML17306A942).

On October 23, 2018, a conference call was held with NIST staff, NRC Region I and Headquarters staff to discuss steps required to make the facility operational. A summary was issued on October 28, 2018 (ADAMS Accession No. ML18303A059). There have been construction delays for non-licensing reasons, to include the COVID-19 Public Health Epidemic, which has secured construction activities for the near term.

The operational irradiator facility has operated many years with several exemptions issued on November 23, 1999 (ADAMS Accession No. ML993350644). The facility was last renewed on September 11, 2013 (ADAMS Accession No. ML13207A206), revalidating those exemptions. The facility has two vertical beam irradiators and one of these will be moved to the new facility. The call on April 13, 2020 was to discuss the effect the new facility could have on the standing exemptions. The new facility is not likely to need any of the approved exemptions, but the standing facility would continue to make use of the exemptions in the course of regular business. The NIST wanted to ensure that the standing exemptions would not be require re-justification, even though the new facility will not likely need any of the exemptions. Mr. Wardrobe said the approved exemptions form a baseline of performance expectation. Facility performance not requiring exemptions will not affect the ability of the licensee to apply the exemptions in either facility.

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