

September 10, 2013

Mr. Richard F. Kayser
Chief Safety Officer (Attn: Radiation Safety Officer)
United States Department of Commerce
National Institute of Standards and Technology
100 Bureau Drive, Stop 1731
Room C125, Building 243
Gaithersburg, MD 20899-1731

SUBJECT: RENEWAL OF LICENSE SNM-362 (TAC L32643)

Dear Mr. Kayser:

This letter refers to your request for renewal of special nuclear materials license SNM-1097, transmitted by letter dated June 29, 2007, and supplemented by revisions dated June 24, 2010, March 23, 2011, and June 5, 2013.

The U.S. Nuclear Regulatory Commission (NRC) staff has completed a Safety Evaluation Report (SER) documenting its review of the application and its findings regarding the renewal of the subject license. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70, SNM-362 is renewed for a 10-year term. The license expires 10 years from the date of issuance of this letter.

The NRC staff has incorporated the following Safety Conditions in the license:

9. Authorized place of use: The licensee's existing facilities at Gaithersburg, Maryland, and offsite locations that are under NRC jurisdiction and that are subject to the provisions listed in the National Institute of Standards and Technology (NIST) license renewal application in Item 3, "Offsite Locations."
10. Authorized Use: For use in accordance with statements, representations, and conditions of the licensee's renewal application dated June 29, 2007; and revised on June 24, 2010; March 23, 2011; and June 5, 2013.

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12. Notwithstanding the requirements of 10 CFR 36.23(b), the licensee is exempt from the requirements that: (1) detection of entry, by an independent backup access control, while the sources are exposed must cause the sources to return to their fully shielded position and must also activate a visible and audible alarm to make the individual entering the room aware of the hazard, and (2) the alarm must alert at least one other individual who is onsite of the entry. When an operator is not present the licensee shall arm the independent backup access control system identified in the licensee's letter dated March 5, 2013.
13. Notwithstanding the requirements of 10 CFR 36.23(c), the licensee is exempt from the requirements that attempted personnel entry while the monitor measures high radiation levels, must activate the alarm described in 10 CFR 36.23(b). The licensee shall comply with 10 CFR 35.615(b).
16. Notwithstanding the requirements of 10 CFR 36.27(b) the licensee is exempt from the requirement that the radiation room must be equipped with a fire extinguishing system capable of extinguishing a fire without the entry of personnel into the room.
17. Notwithstanding the requirements of 10 CFR 36.31(a), the licensee is exempt from the requirements that (1) the console key must be attached to a portable radiation survey meter by a chain or cable, and (2) the door to the radiation room must require the same key used for source movement (i.e., control console key).
19. The Ionizing Radiation Safety Committee shall meet the requirements of 10 CFR 33.13(c) including the review, approval, and recording of safety evaluations of all proposed new uses of byproduct material prior to use of the byproduct material.
20. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
21. The applicant is granted an exemption to the requirements of 10 CFR 70.24 to maintain a Criticality Accident Alarm System.

Conditions 11, 14, 15 and 18 were deleted, being exemptions on Amendment 3 that were not requested to be continued or no longer needed. Conditions 19, 20 and 21 are new License Conditions (LC) requested through this renewal cycle. All other LCs are continuations of exemptions previously granted by the NRC regarding NIST's operations under License SNM-362. On April 13, 2012, the NRC published in the Federal Register (FR) the findings of an environmental assessment (EA) and a finding of no significant impact regarding the proposed continuation in the renewed license of the 10 CFR 36.27(b) and 36.31(a) exemptions (77 FR 22362-22365). The NRC found in this EA that the proposed continuation in the renewed license of the 10 CFR 70.24 exemption fell within the 10 CFR 51.22(c)(25) categorical exclusion provisions, and thus required no further environmental review.

In the April 2012 EA, the NRC staff also considered the license renewal application as a whole, and found that the proposed renewal fell within the categorical exclusion provisions of 10 CFR 51.22(c)(14)(v), and thus did not require further environmental review under 10 CFR part 51. Upon issuance of this letter and renewed license, Technical Assignment Control L32643 will be closed.

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In accordance with 10 CFR, Section 2.390 of the NRC's "Rules of Practice," a copy of this letter and public versions of the license and SER will be available electronically for public inspection in the NRC Public Document Room or from the Publically Available Records System component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this letter, please contact Ty Naquin of my staff at (301) 287-9144, or via e-mail to Tyrone.naquin@nrc.gov.

Sincerely,

/RA/

Marissa G. Bailey, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-398
License No. SNM-362

Enclosures:

1. Safety Evaluation Report (Official Use Only)
2. License SNM-362 (Official Use Only)
3. Safety Evaluation Report (Public)
4. License SNM-362 (Public)

Documents transmitted herewith contain Security-Related Information. When separated from Enclosures 1 and 2, this document is decontrolled.

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Marissa G. Bailey, Director
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and Safeguards
Office of Nuclear Material Safety
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Docket No. 70-398
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Enclosures:

- 1. Safety Evaluation Report (Official Use Only)
- 2. License SNM-362 (Official Use Only)
- 3. Safety Evaluation Report (Public)
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