

November 19, 2013

Docket No. 030-38417
Mail Control No. 582137

License No. 06-24000-01E

Gary Shelton
Senior Radiation Safety Officer
Smiths Detection
2202 Lakeside Boulevard
Edgewood, MD 21040

SUBJECT: NRC RESPONSE TO SMITH DETECTION LETTER DATED SEPTEMBER 6, 2013 RE: REQUEST FOR SPECIAL EXEMPTION TO DEMONSTRATE HANDHELD RADIOISOTOPE IDENTIFICATION DEVICES (RIIDS)

Dear Mr. Shelton:

This letter is in response to your request for a special exemption dated September 16, 2013, entitled "Request for Special Exemption to Demonstrate Handled Radioisotope Identification (RIIDs)." In your letter you requested a special exemption to 10 CFR 30.34(c) and any Agreement State equivalent, that will allow Smiths Detection personnel to perform end-user activities, such as demonstrations, without having to file for reciprocity outside of NRC's jurisdiction (e.g. Agreement State jurisdiction).

Smiths Detection currently have a NRC exempt distribution license No. 06-24000-01E that authorizes you to distribute your product to persons exempt from licensing, and a NRC specific RAM license No. 06-31431-01 that authorizes you to possess and use the radioactive material. As you mentioned in your letter, Smiths Detection personnel are required to operate under the company's NRC specific license conditions and NRC regulations, which includes operating your product at a customer location. Please note that license condition 9 of your NRC license No. 06-31431-01, authorizes you to perform activities for instruction and training purposes at customer facilities and trade shows in NRC's jurisdiction.

In regards to your request for a special exemption to 10 CFR 30.34(c) Agreement State equivalents, please note that under the Atomic Energy Act of 1954, Section 274.b, the NRC is authorized to enter into agreements with States to allow each State to regulate certain nuclear materials. Once the Commission and a State have entered into an Agreement, the Commission discontinues its regulatory authority over the specified materials and the State assumes regulatory authority. The Agreement States are independent regulators and NRC cannot grant

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special exemptions in Agreement State jurisdiction. If you wish to conduct licensed activities in Agreement State jurisdiction, you will need to contact the respective Agreement State's Control Program Office for information about their specific regulations and reciprocity requirements.

Sincerely,

/RA/

Maria Arribas-Colon, Project Manager
Licensing Branch
Division of Materials Safety and
State Agreements
Office of Federal and State Materials and
Environmental Management Programs

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Licensing Branch
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Office of Federal and State Materials and
Environmental Management Programs

ADAMS Package: ML13266A045 ADAMS Document: ML13324A256

OFFICE	LB/MSSA	LB/MSSA	LB/MSSA
NAME	MArribas-Colon	SXu	J. Jankovich for MKotzalas
DATE	11/19/13	11/19/13	11/20/13

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