



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

January 23, 2014

Mr. Randall C. Whitt, Western Region Manager  
Counter Terrorism Operations Support Program  
National Security Technologies, LLC  
P.O. Box 98521  
Las Vegas, NV 89193-8521

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

Dear Mr. Whitt:

The U.S. Nuclear Regulatory Commission (NRC) received a letter dated September 24, 2013, from you on behalf of National Security Technologies (NST), a prime contractor with the U.S. Department of Energy (DOE) Nevada National Security Site, requesting authorization to conduct training in Beaumont, Texas, using radioactive sealed sources during the week of January 28-30, 2014, under a 10 CFR 30.12 exemption. The objective of the training is to develop the knowledge, skills, and confidence of first responders from local jurisdiction in preventing and responding to radiological/nuclear weapons of mass destruction events.

The NRC regulations provide an exemption in Title 10 of the Code of Federal Regulations (CFR) 30.12 to any prime contractor of DOE at a government owned or controlled site, such as NST. 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, the NST has requested to conduct work activities in 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' regulation that the determination of the grant of a specific exemption be made jointly with the NRC.

The NRC has reviewed the salient parts of NST's prime management and operating contract with DOE. The review determined that the exemption under 10 CFR 30.12 is authorized by law. Additionally, the procedures submitted by NST for conducting work activities in the state of Texas were reviewed. 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 Gerald A. Schlapper, Health Physicist, at 817-200-1273 or the undersigned at 817-200-1106.

Sincerely,

*/RA/*

Anton Vogel, Director  
Division of Nuclear Materials Safety

cc:  
Richard A. Ratliff, P.E., L.M.P., Chief  
Radiation Safety Licensing Branch Manager  
Division for Regulatory Services  
TX Dept. of State Health Services  
P.O. Box 149347-Mail Code 2835  
Austin, TX 78714-9347

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Anton Vogel, Director  
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