



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

October 06, 2015

Toby Williams, Manager  
Global Security Analysis & Training  
Consolidated Nuclear Security, LLC  
Pantex Plant/Y-12 National Security Complex  
P.O. Box 2009  
Oak Ridge, TN 37831-8112

**SUBJECT: DEPARTMENT OF ENERGY PRIME CONTRACTOR EXEMPTION UNDER  
TITLE 10 CODE OF FEDERAL REGULATIONS (10 CFR) 30.12**

Dear Mr. Williams:

The U.S. Nuclear Regulatory Commission (NRC) received an electronic communication containing a letter dated September 23, 2015, from you on behalf of Consolidated Nuclear Security, LLC (CNS), a prime contractor with the U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA), requesting authorization under 10 CFR 30.12 exemption to conduct the U.S. Department of Homeland Security Domestic Nuclear Detection Office sponsored "Radiological/Nuclear Concepts Tactics and Integration" training in Santa Clara, California, on October 13-15, 2015, using radioactive sealed sources that are owned and controlled by CNS. The objective of the training is to develop the knowledge, skills, and confidence of first responders from Federal, State and local jurisdictions in preventing and responding to radiological/nuclear weapons of mass destruction events.

The NRC regulations provide an exemption in 10 CFR 30.12 to any prime contractor of DOE (such as CNS) performing work at a government owned or controlled site. 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, CNS 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 California's regulations that the determination of the grant of a specific exemption be made jointly with the NRC.

The NRC has reviewed the salient parts of CNS'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 CNS for conducting work activities in the state of California were reviewed. Based on this review, the NRC and the state of California 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.

T. Williams

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If there are any questions or comments concerning this review, please contact Roberto J. Torres, Senior Health Physicist, at 817-200-1189 or the undersigned at 817-200-1106.

Sincerely,

**/RA/**

Mark R. Shaffer, Director  
Division Nuclear Materials Safety

cc: Gonzalo Perez, Chief  
Radiological Health Branch  
Div. of Food, Drug & Radiation Safety  
CA Department of Health Services  
P.O. Box 997414, MS-7610  
Sacramento, CA 95899-7414

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