



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 E. LAMAR BLVD
ARLINGTON TX 76011-4511**

December 22, 2015

Robert W. Ryan, Operations Support 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. Ryan:

The U.S. Nuclear Regulatory Commission (NRC) received a letter dated December 14, 2015, from you on behalf of National Security Technologies, LLC (NST), a prime contractor with the U.S. Department of Energy (DOE) Nevada National Security Site, requesting authorization to conduct training in Salt Lake City, Utah, using radioactive sealed sources during January 25-27, 2016 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 10 CFR 30.12 to any prime contractor of DOE (such as NST) 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, 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 Utah's 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 Utah were reviewed. Based on this review, the NRC and the State of Utah 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 hereby granted.

R. Ryan

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If there are any questions or comments concerning this review, please contact the undersigned at 817-200-1189.

Sincerely,

/RA/

Roberto J. Torres, M.S., Senior Health Physicist
Nuclear Materials Safety Branch B

cc:

Scott T. Anderson, Director
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