



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
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FEB 19 2016

Mack L Richard, M.S., C.H.P.
Radiation Safety Officer
Indiana University-IUPUI/IU Medical Center Campus
Radiation Safety Room 159
1120 W. Michigan St.
Indianapolis, Indiana 46202-5111

SUBJECT: RESPONSE TO A REQUEST FOR AN EXEMPTION TO THE NOTIFICATION
AND DECOMMISSIONING REQUIREMENTS IN 10 CFR 30.36(d)(4) FOR
INDIANA UNIVERSITY-IUPUI/IU MEDICAL CENTER CAMPUS

Dear Mr. Richard:

This is in response to your letter dated March 7, 2014, requesting an exemption to the notification and decommissioning requirements specified in 10 CFR 30.36(d)(4) for your NRC Material License No. 13-02752-03 and our telephone conversation on February 16, 2016.

Additionally, in letter dated October 29, 2014 and letter received on December 16, 2014, you submitted responses to our requests for additional information on October 29, 2014 and November 25, 2014, respectively. In your submitted documents, you stated that the application of the notification and decommissioning requirements is challenging under your broad scope license, and creates unnecessary and time-consuming paperwork. You indicated that medical and research uses of licensed materials vary within laboratories and decommissioning these laboratories is constantly changing.

You further stated that decommissioning an entire building requires extensive decommissioning activities and is more difficult, and time-consuming than decommissioning individual laboratories. You specified that this is problematic because as long as a particular building includes existing laboratory space or remodeled new laboratory space, use of licensed material could resume at any time, including 24 months or more after the last use. In that case, the time and effort expended by both you the licensee (and the regulator) in decommissioning the building would be wasted with no discernable benefit in terms of protecting personnel or general public from radiation hazards.

Additionally, you indicated that the basis of the requirements in 10 CFR 30.36(d)(4) is to prevent a licensed facility with residual contamination from being abandoned and/or ownership transferred to another entity. In order to preclude this from occurring, you proposed several alternative actions (if the exemption is approved), involving: 1) performing decommissioning surveys; 2) auditing authorized radionuclide laboratories; and 3) implementing procedures for when there are no authorized radionuclide laboratories within an existing building.

Based on NRC's review process, a technical assistance request (TAR) was generated on December 18, 2014, to address the exemption to the notification and decommissioning requirements in 10 CFR 30.36(d)(4) for an entire building. A response dated December 1, 2015 to the technical assistance request provides the following:

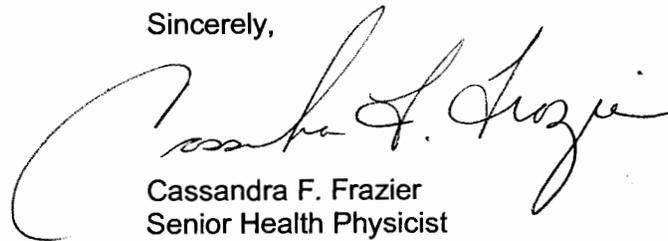
"The regulations in 10 CFR 30.36(d)(4), states, in part, that the licensee shall provide notification when no principle activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements. At which point, the licensee must begin decommissioning any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is suitable for release.

It was concluded that, rather than granting an exemption from the requirements of 10 CFR 30.36(d)(4), as stated above, the licensee should request an amendment such that the authorized activity at a building need not occur within 24 months to initiate. Specifically, this license amendment would provide that the licensee within a specified period of time (e.g., 48 months versus the 24 months specified in the regulations), would resume use of licensed materials in the building or notify the NRC that it has permanently ceased use of licensed materials in the building and begin decommissioning the building. This amendment would permit the licensee to not decommission the building, as would normally be required under 10 CFR 30.36(d)(4), for a specified period of time."

Therefore, as discussed in our telephone conversation, if you wish to amend your license, as referenced above, please submit your request and include a specified period of time with respect to the use of licensed materials in a building and the initiation of decommissioning the building. Also, include your justification for the specified period of time. Include a detailed description of the procedures and/or process that will be implemented to ensure that notifications and decommissioning of an entire building will occur within the specified period of time. If you have any questions, please contact me at (630) 829-9830 or cassandra.frazier@nrc.gov.

A copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,



Cassandra F. Frazier
Senior Health Physicist
Materials Licensing Branch

License No. 13-02752-03
Docket No. 030-01609