



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

November 1, 2016

David Campbell, Ph.D.
Principal Investigator, Adversary & Interdiction Methods
Lawrence Livermore National Laboratory
7000 East Avenue
Livermore, CA 94550

SUBJECT: Lawrence Livermore National Laboratory – 10 CFR 30.12 Exemption Letter For
Activity In Dallas-Fort Worth Area On November 2016

Dear Dr. Campbell:

The U.S. Nuclear Regulatory Commission (NRC) received a letter dated October 12, 2016, from you on behalf of Lawrence Livermore National Security, LLC (LLNS), a prime contractor with the U.S. Department of Energy (DOE), Lawrence Livermore National Laboratory (LLNL), National Nuclear Security Administration, requesting an exemption pursuant to 10 CFR 30.12 from NRC licensing requirements to allow LLNS to conduct training using sealed sources that are owned and controlled by LLNL. The training was described as joint training and field exercises between law enforcement agencies to be conducted in the Dallas-Fort Worth Area during November 2016.

The NRC regulations provide an exemption in 10 CFR 30.12 to any prime or subcontractor of DOE at a U.S. Government owned or controlled site, such as DOE INL. 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 must 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, LLNS has requested to conduct work activities in an Agreement State. In accordance with 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 to grant a specific exemption be made jointly with the NRC.

The NRC has reviewed LLNS' prime management and operating contract with DOE LLNL that was submitted as part of this request to confirm that the contractor satisfies the requirements for the exemption as discussed in 10 CFR 30.12. Additionally, the NRC and the State of Texas reviewed the procedures and commitments made by DOE LLNS for conducting work activities in Texas. 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. The NRC has also determined that an exemption under 10 CFR 30.12 is authorized by law. Therefore, this activity can proceed without the need to obtain a specific license.

D. Campbell

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An environmental assessment for this action is generally not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(v).

If there are any questions or comments concerning this review, please contact Roberto J. Torres of my staff at 817-200-1189.

Sincerely,

/RA/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

cc:

Charlotte Sullivan, M.S.A., B.S.N., Manager
Regulatory Licensing Unit Manager
Division for Regulatory Services
Texas Dept. of State Health Services
P.O. Box 149347-Mail Code 2835
Austin, TX 78714-9347

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Charlotte Sullivan, M.S.A., B.S.N., Manager
Regulatory Licensing Unit Manager
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ADAMS ACCESSION NUMBER: ML16300A424

<input checked="" type="checkbox"/> SUNSI Review By:	ADAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Sensitive <input checked="" type="checkbox"/> Non-Sensitive	<input type="checkbox"/> Non-Publicly Available <input checked="" type="checkbox"/> Publicly Available	Keyword NRC-002
OFFICE	SHP:DNMS/B	C:DNMS/B	D:DNMS	
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