



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

January 9, 2017

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

SUBJECT: DEPARTMENT OF ENERGY PRIME CONTRACTOR EXEMPTION UNDER
10 CFR 30.12, 10 CFR 40.11 AND 10 CFR 70.11

Dear Dr. Campbell:

The U.S. Nuclear Regulatory Commission (NRC) received a letter dated December 20, 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 Title *10 Code of Federal Regulations* (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 several locations in California during February 2017.

The NRC regulations provide exemptions in 10 CFR 30.12, 10 CFR 40.11 and 10 CFR 70.11 to any prime or subcontractor of DOE using NRC regulated materials at a U.S. Government owned or controlled site from the requirement to possess an NRC license. However, LLNS has requested to conduct work activities in a location that is not government owned or controlled in California, an Agreement State. The Commission Policy Statement on Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement (46 FR 7540, January 23, 1981) states, in part that an exemption from NRC licensing requirements to DOE prime contractors or subcontractors may be provided only when the Agreement State and the NRC jointly makes a determination to grant an exemption.

The NRC has reviewed LLNS' prime management and operating contract with DOE 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, 10 CFR 40.11 and 10 CFR 70.11. Additionally, the NRC and the State of California reviewed the procedures and commitments made by LLNS for conducting work activities in California. 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. The NRC has also determined that an exemption under 10 CFR 30.12, 10 CFR 40.11 and 10 CFR 70.11 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 Vivian H. Campbell Acting for/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

cc:

Gonzalo Perez, Branch Chief
Radiologic Health Branch
Division of Food, Drug & Radiation Safety
CA Dept. of Health Services
P.O. Box 997414, MS 7610
1500 Capitol Ave., MS 7610
Sacramento, CA 95899-7414

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ADAMS ACCESSION NUMBER: ML17005A512

<input checked="" type="checkbox"/> SUNSI Review By: RJT	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
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DATE	01/05/17	1/5/17	1/9/16	

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