



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

February 2, 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

Dear Dr. Campbell:

The U.S. Nuclear Regulatory Commission (NRC) received a letter dated January 5, 2017, 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 Silverdale, Washington during February-March 2017.

The NRC regulation provide an exemption in 10 CFR 30.12 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 Washington, 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. Additionally, the NRC and the State of Washington reviewed the procedures and commitments made by LLNS for conducting work activities in Washington. Based on this review, the NRC and the State of Washington 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

- 2 -

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:

David B. Jansen, Director  
Office of Radiation Protection  
Washington Department of Health  
P.O. Box 47827  
Olympia, WA 98504-7827

D. Campbell

- 2 -

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:

David B. Jansen, Director  
Office of Radiation Protection  
Washington Department of Health  
P.O. Box 47827  
Olympia, WA 98504-7827

Distribution:

Mark.Shaffer@nrc.gov, D:DNMS  
Linda.Howell@nrc.gov, DD:DNMS  
Vivian.Campbell@nrc.gov, C:NMSB-B  
RobertoJ.Torres@nrc.gov, NMSB-B  
Victor.Dricks@nrc.gov, PAO  
Randy.Erickson@nrc.gov, SAO  
Binesh.Tharakan@nrc.gov, SAO

ADAMS ACCESSION NUMBER: ML17026A483

|   |   |   |   |                    |
|---|---|---|---|--------------------|
| <input checked="" type="checkbox"/> SUNSI Review<br>By: RJT | ADAMS:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Sensitive<br><input checked="" type="checkbox"/> Non-Sensitive | <input type="checkbox"/> Non-Publicly Available<br><input checked="" type="checkbox"/> Publicly Available | Keyword<br>NRC-002 |
| OFFICE  | SHP:DNMS/B  | C:NMSB-B  | D:DNMS  |                    |
| NAME  | RJTorres  | VHCampbell  | MRShaffer   |                    |
| SIGNATURE   | <b>/RA/</b>   | <b>/RA/</b>   | <b>/RA/</b>   |                    |
| DATE  | 1/19/2017   | 1/31/17   | 2/2/17  |                    |

**OFFICIAL RECORD COPY**