



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

May 7, 2020

Ms. Alice Hong, Laboratory Director
U.S. Department of Homeland Security
National Urban Security Technology Laboratory
201 Varick Street, Suite 900
New York, NY 10014-7447

SUBJECT: TEMPORARY EXEMPTION TO U.S. NUCLEAR REGULATORY COMMISSION REGULATION, TITLE 10 CODE OF FEDERAL REGULATIONS 30.34(c) AND LICENSE CONDITION 15 OF NRC MATERIALS LICENSE 31-31334-01, U.S. DEPARTMENT OF HOMELAND SECURITY, NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY, 618782

Dear Ms. Hong:

By letter dated April 30, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20125A001), the United States Department of Homeland Security (DHS), National Urban Security Technology Laboratory (NUSTL), the licensee, requested an exemption from License Condition 15 of NRC License No. 31-31334-01 and relief from the quarterly requirements to hold Radiation Safety Committee (RSC).

In its request, the licensee stated that, due to the emergency caused by the COVID-19 pandemic, its facility is operating in a comprehensive, remote telework posture with limited access to support in-person mission work. Access to its facilities is heavily restricted and a specific date for resuming normal, onsite operations is unknown at this time.

The exemption provision in 10 CFR 30.11(a) states:

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part and parts 31 through 36 and 39 of this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The license conditions from which the licensee requested exemption were imposed upon the licensee by the U.S. Nuclear Regulatory Commission (NRC) per 10 CFR 30.34(e). The regulation in 10 CFR 30.34(c) requires that the licensee confine its use of the byproduct material to the locations and purposes authorized in the license. Therefore, exemptions to the requirement in 10 CFR 30.34(c) to comply with the terms of a license may be granted pursuant to 10 CFR 30.11.

The NRC staff reviewed the request in accordance with 10 CFR 30.11(a) and finds that the criteria contained therein are met. The requirements from which the licensee is requesting exemption are:

- License Condition 15 of NRC license 31-31334-01 which requires the licensee to conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 3 years from the dated of each inventory, and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of inventory.
- The quarterly requirement to hold RSC meetings.

The NRC has determined that the licensee's request for relief from the quarterly requirements to hold RSC meetings is not necessary. The NRC does not require RSC meetings for licenses of this type. The requirement to hold quarterly RSC meetings is an internal requirement of the licensee and can be changed by the licensee without NRC approval.

The regulation in 30.11(a) authorizes granting of exemptions specific to Part 30. The NRC staff has determined that the granting of the requested exemption from license condition 15 will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. The NRC staff, therefore, finds that the granting of the requested exemption is authorized by law.

The NRC staff has determined that:

- The extension of the physical inventory time does not constitute a significant increase in risk to public health and safety, because the licensee is in a comprehensive remote telework posture and access to its facility is heavily restricted at this time, except potentially in response to an emergency, if one occurs;
- The physical security at the licensee's facility is managed by DHS's Federal Protective Service, which is providing 24-hour security to its facility;
- This 90-day exemption is relatively short compared to the required 6-month interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.

Based on the above findings, the NRC grants the following exemption for the specified period:

- From the date of issuance of this letter for a period of 90 days, the licensee is exempt from the requirement in License Condition 15 of NRC license 31-31334-01 to perform a physical inventory of licensed material every 6 months. Inventories shall be completed within 30 days following the expiration of this exemption.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(25)(vi)(C). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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 <https://www.nrc.gov/reading-rm/adams.html>.

A. Hong

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If you have questions, please contact Leonardo Wardrobe of my staff at leonardo.wardrobe@nrc.gov or (610) 337-5171.

Sincerely,

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

License No. 31-31334-01
Docket No. 03037834
Mail Control No. 618782

cc: Carl Schopfer, Radiation Safety Officer

TEMPORARY EXEMPTION TO U.S. NUCLEAR REGULATORY COMMISSION REGULATION, TITLE 10 CODE OF FEDERAL REGULATIONS 30.34(c) AND LICENSE CONDITION 15 OF NRC MATERIALS LICENSE 31-31334-01, U.S. DEPARTMENT OF HOMELAND SECURITY, NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY, 618782, DATED MAY 7, 2020

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ML20127H791

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