



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

May 8, 2020

Mr. Calvin Brownlow, Jr.
Radiation Safety Officer
Headquarters, U.S. Army Joint Munitions Command
Safety and Risk Management Directorate (AMSJM-SF)
2695 Rodman Avenue
Rock Island, IL 61299-6000

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY
COMMISSION REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS*
(10 CFR) 30.34(e)

Dear Mr. Brownlow:

By letter dated April 20, 2020, (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20113F063 (non-public)), Headquarters, U.S. Army Joint Munitions Command Safety and Risk Management Directorate (AMSJM-SF), the licensee, requested a temporary exemption from the survey requirements in Section 10.7., "SURVEYS", paragraphs c, d, e and f in letter dated July 20, 2012 (ML12213A406 (non-public)), which is tied down in NRC License No. 12-00722-15, License Condition 17.A.

In its request, the licensee stated that, due to the COVID 19 public health emergency (PHE), the licensee has instructed its employees on March 23, 2020 to work from home to minimize human contact. The licensee suspended all facility operations. Therefore, the licensee is unable to perform the following requirements as stated in Section 10.7. of the letter dated July 20, 2012:

1. Paragraph c: Exposure rate surveys shall be performed monthly for the controlled area in the designated building and other designated areas surrounding the licensed storage facilities.
2. Paragraph d: Removable contamination surveys shall be performed monthly on the work surfaces of the controlled area in the designated building and the storage facilities.
3. Paragraph e: Exposure rate surveys and removable contamination surveys will be conducted monthly in areas inside the building that are adjacent to the controlled area room. This could include the workstation area, office area, or the break room area.
4. Paragraph f: Exposure rate surveys and removable contamination surveys will be conducted once every 3 months (quarterly) of the outdoor area surrounding the designated building.

The licensee requests relief from the requirements above during this PHE for the period from March through May 2020.

The exemption provision in Title 10 of the *Code of Federal Regulations* (CFR) 30.11(a) states:

The Commission may, upon application of any interested person or upon its own initiative, grant 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 condition from which the licensee requested exemption was 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 license condition from which the licensee is requesting exemption is License Condition 17.A.; specifically, the survey requirements in Section 10.7., "SURVEYS", paragraphs c, d, e and f in letter dated July 20, 2012 (ML12213A406), which is tied down in NRC License No. 12-00722-15, License Condition 17.A. as listed above.

The regulation in 10 CFR 30.11(a) authorizes granting of exemptions specific to Part 30. The NRC staff has determined that the granting of the requested exemption 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 also determined that the licensee has suspended all licensed activities; all licensed material is secure; the facilities are not accessible by unauthorized individuals; and the radiation levels in the unrestricted areas are within the NRC limit. In addition, the extension of survey times does not constitute a significant increase in risk to public health and safety because the licensee suspended operations and licensed material was secure. The NRC also notes that, absent the requested exemption, the licensee may be required to take actions that may be contrary to guidance on preventing the spread of the virus that causes COVID-19. Therefore, the NRC staff finds that the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest.

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

- From the date of issuance of this letter through May 31, 2020, the licensee is temporarily exempt from the survey time interval required by paragraph c of Section 10.7., "SURVEYS", specified in letter dated July 20, 2012 (ML12213A406), which is tied down in NRC License No. 12-00722-15, License Condition 17.A. The licensee shall perform the required survey within 7 days of the expiration of this exemption.
- From the date of issuance of this letter through May 31, 2020, the licensee is temporarily exempt from the survey time interval required by paragraph d of Section 10.7., "SURVEYS", specified in letter dated July 20, 2012 (ML12213A406), which is tied down in NRC License No. 12-00722-15, License Condition 17.A. The licensee shall perform the required survey within 7 days of the expiration of this exemption.
- From the date of issuance of this letter through May 31, 2020, the licensee is temporarily exempt from the survey time interval required by paragraph e of Section 10.7.,

“SURVEYS”, specified in letter dated July 20, 2012 (ML12213A406), which is tied down in NRC License No. 12-00722-15, License Condition 17.A. The licensee shall perform the required survey within 7 days of the expiration of this exemption.

- From the date of issuance of this letter through May 31, 2020, the licensee is temporarily exempt from the survey time interval required by paragraph f of Section 10.7., “SURVEYS”, specified in letter dated July 20, 2012 (ML12213A406), which is tied down in NRC License No. 12-00722-15, License Condition 17.A. The licensee shall perform the required survey within 7 days of the expiration of this exemption.

An environmental assessment for this action is not required, because 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 ADAMS, accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have questions, please contact Frank Tran at frank.tran@nrc.gov or 630-829-9623.

Sincerely,

Robert Orlikowski, Chief
Materials Licensing Branch
Division of Nuclear Materials Safety

License No. 12-00722-15
Docket No. 030-36094

Letter to Calvin Brownlow from Robert Orlikowski dated May 8, 2020.

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