



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

June 1, 2020

Timothy H. Watkins, Director
Center for Environmental Measurement & Modeling
U. S. Environmental Protection Agency
109 T. W. Alexander Drive
Mail Code D343-02
Research Triangle Park, NC 27711

SUBJECT: TEMPORARY EXEMPTION FROM TITLE 10 CODE OF FEDERAL REGULATIONS 30.34(c) AND PART OF LICENSE CONDITION 25 OF NRC LICENSE 32-14048-04, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, MAIL CONTROL NO. 618950

Dear Mr. Watkins:

By letter dated May 6, 2020, (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20141L603), the United States Environmental Protection Agency (USEPA), the licensee, requested an exemption from the portion of License Condition 25.A. of NRC License No. 32-14048-04 that requires the licensee to issue personnel dosimetry badges to certain employees and exchange them on a quarterly basis.

In its request, the licensee stated that due to the COVID 19 public health emergency (PHE), USEPA has limited access by USEPA employees to USEPA facilities and has limited official travel. As such, only those personnel on an excepted list performing essential functions at these facilities are allowed to enter the Research Triangle Park (RTP) site to complete research and administrative functions. Staff of the Office of Research and Development, Research Support Compliance Division, Safety, Health & Environmental Management Branch are included on this list which includes the site Radiation Safety Officer (RSO) and designees. The licensee is able to perform many of its routine duties at this time. However, some respective recipients of radiation dosimetry badges are teleworking; therefore, the licensee is unable to distribute badges to these individuals as required by License Condition 25.A.

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 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 requirement from which the licensee is requesting exemption is:

The portion of License Conditions 25.A that requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in the letter dated February 28, 2014 (ML14086A177), specifically the statement that for personnel who may be exposed to beta and/or gamma emitting radionuclides or machines producing ionizing radiation which may exceed 10% of the occupational dose limit, a whole body and/or ring thermoluminescent dosimetry (TLD) badge will be issued and exchanged on a quarterly basis. Both whole body and ring badges will be outsourced to a NVLAP certified vendor.

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 this exemption is relatively short compared to the required dosimetry exchange interval. Therefore, the exemption does not constitute a significant increase in risk to public health and safety.

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 for a period of 90 days, the licensee is exempt from the quarterly TLD issuance and exchange frequency required by License Condition 25.A. The licensee shall perform the required TLD exchange within 30 days following 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 Web site at <https://www.nrc.gov/reading-rm/adams.html>.

T. Watkins

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If you have questions, please contact Jonathan Pfingsten at Jonathan.Pfingsten@nrc.gov or 610-337-5170.

Sincerely,

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

License No. 32-14048-04
Docket No. 030-08631
Mail Control No. 618950

TEMPORARY EXEMPTION FROM TITLE 10 CODE OF FEDERAL REGULATIONS 30.34(c)
 AND PART OF LICENSE CONDITION 25 OF NRC LICENSE 32-14048-04, UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY, MAIL CONTROL NO. 618950, DATED JUNE 1,
 2020

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SUNSI Review Complete: Jonathan Pfingsten

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