



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

August 26, 2020

Ms. Maha Srinivasan
Radiation Safety Officer
Wayne State University
Office of Environmental Health & Safety
5425 Woodward Avenue, Suite 300
Detroit, MI 48202

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

Dear Ms. Srinivasan:

By email dated August 12, 2020, (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20238B932 (non-public)) and letter dated August 17, 2020, (ADAMS Accession No. ML20238B935 (non-public)), Wayne State University (WSU), the licensee, requested an extension of exemptions from License Condition 20.A. identified in NRC license number 21-00741-08, granted by the U.S. Nuclear Regulatory Commission (NRC) in letter dated May 28, 2020 (ADAMS Accession No. ML20149K579). The extension of exemptions from license condition includes monthly laboratory area surveys and annual survey meter calibration.

Due to the COVID-19 public health emergency, the licensee paused research operations, which included radiation safety staff work. The licensee has resumed approximately 25% of its pre-COVID-19 research operations. The licensee stated that it is catching up on radiation safety inspections and working in staggered shifts. As described in the licensee's initial request on May 12, 2020, (ADAMS Accession No. ML20133K113 (non-public)), all licensed materials that are not in use continue to remain properly secured in designated storage locations with restricted access as of March 13, 2020. The licensee stated that it is still unable to perform the following requirements as stated in License Condition 20.A. of NRC license number 21-00741-08:

1. Section 10.6 of the application dated August 16, 2011, and tied down to the license in License Condition 20.A. requires area surveys of laboratories where licensed material greater than 200 microcuries is used, will be surveyed as described in NUREG-1556, Volume 11, Appendix S (Table S.1).
2. Section 7.8 of the application dated August 16, 2011, and tied down to the license in License Condition 20.A. requires that survey meters be calibrated annually.

The licensee requested an extension of the relief from the requirements described above for an additional period of no more than 90 days from the exemption expiration date of August 26, 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 conditions from which the licensee is requesting exemption include monthly laboratory area surveys, and annual survey meter calibration described in License Condition 20.A of NRC license number 21-00741-08.

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 exemptions 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 exemptions is authorized by law.

The NRC staff has also determined that all licensed material is secure, and the facilities are not accessible by unauthorized individuals. In addition, the extension of the exemption from monthly laboratory area surveys and annual survey meter calibration requirements does not constitute a significant increase in risk to public health and safety because licensed material remains secured. The exemption extension only applies to areas and instruments that are not in use, not areas and instruments that the licensee resumes use of. The NRC also notes that, absent the requested exemption extension, 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 extension 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 extension of the exemptions for the specified period:

- Beginning on August 26, 2020, for a period of 90 days, the licensee is temporarily exempt from the requirement to conduct area surveys as described in Section 10.6 of application dated August 16, 2011, License Condition 20.A. of NRC license number 21-00741-08. The licensee must perform the required area surveys within 30 days of the expiration of this exemption, or prior to resumption of use of licensed material in the area, whichever occurs first.

- Beginning on August 26, 2020, for a period of 90 days, the licensee is temporarily exempt from the requirement to perform survey meter instrument calibration as described in Section 7.8 of application dated August 16, 2011, License Condition 20.A. of NRC license number 21-00741-08. The licensee must perform the required instrument calibration within 30 days of the expiration of this exemption, or prior to resumption of use of the survey meter instrument, whichever occurs first.

An environmental assessment for this action is not required, because this action is categorically excluded under 10 CFR 51.22(c)(25)(vi)(C) and (D). 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 Zahid Sulaiman at zahid.sulaiman@nrc.gov or 630-829-9752.

Sincerely,

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

License No. 21-00741-08
Docket No. 030-01995

Letter to Maha Srinivasan from Robert Orlikowski dated August 26, 2020.

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

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DATE	8/25/2020		8/25/2020		8/26/2020			

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