



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

January 22, 2021

Wesley G. Byerly, Pharm.D.
Associate Vice President
University of Connecticut
Environmental Health and Safety Department
3102 Horsebarn Hill Road, Unit 4097
Storrs, CT 06269-4097

**SUBJECT: TEMPORARY EXEMPTION TO U.S. NUCLEAR REGULATORY COMMISSION
REGULATION, LICENSE CONDITION 28.A. OF NRC MATERIALS LICENSE
06-01450-47, UNIVERSITY OF CONNECTICUT, MAIL CONTROL NO. 624004**

Dear Dr. Byerly:

By email dated December 14, 2020 (ML20349A248) and attached temporary exemption request dated December 14, 2020 (ML20349A250), in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 30.11(a), University of Connecticut requested a temporary exemption from License Condition 28.A of its NRC Materials License 06-01450-47 (ML19060A198).

In its request, University of Connecticut stated that it is seeking this exemption because strict conformance with the regulation and license condition would be unavoidably incompatible with facility access restrictions and social distancing protocols implemented by the University of Connecticut in response to the COVID-19 public health emergency (PHE).

The University of Connecticut specifically requests an extension to comply with the requirement in License Condition 28.A to perform quarterly laboratory audits and inspections, for areas not using radioactive materials. The University of Connecticut states that compliance with this requirement could not be accomplished without likely contravening social distancing requirements likely to remain in effect through the first quarter of this year. The University of Connecticut proposed an extension until March 31, 2021 for this requirement.

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.

License conditions of NRC License 06-01450-47 were imposed upon the licensee by the NRC per 10 CFR 30.34(e); therefore, exemptions to such license conditions may be granted pursuant to 10 CFR 30.11.

Additionally, the guidance in NUREG-1556, Volume 20, "Consolidated Guidance about Materials Licenses: Guidance About Administrative Licensing Procedures," Section 4.13, "Processing of Exemptions for Material Licensees," describes the criteria and process for the issuance of temporary exemptions from license conditions. The NRC staff will typically grant a temporary exemption from a license condition only after a determination that the circumstances surrounding the request are urgent and temporary and that the exemption will not endanger life, property, or the common defense and security, and that the exemption is otherwise in the public interest.

Regulations 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 finds that the license condition, for which exemptions are sought, could not be legally met without contravening social distancing requirements and, as such, unnecessarily risking possible COVID-19 infection to persons involved in the performance of the required actions. Moreover, the need for quarterly laboratory audits and inspections is rendered moot by the choice of the University to temporarily cease laboratory activities. Therefore, 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: Quarterly laboratory audits/inspections for inactive laboratories, required by License Condition 28.A. of NRC Materials License 06-01450-47, may be discontinued until March 31, 2021.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(v).

If you have questions, please contact Michael Reichard of my staff at Michael.Reichard@nrc.gov or 610-337-6945.

Sincerely,

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

License No. 06-01450-47
Docket No. 03010576
Mail Control No. 624004

cc: Amy Courchesne, Radiation Safety Officer

TEMPORARY EXEMPTION TO U.S. NUCLEAR REGULATORY COMMISSION
REGULATION, LICENSE CONDITION 28.A. OF NRC MATERIALS LICENSE 06-01450-47,
UNIVERSITY OF CONNECTICUT, MAIL CONTROL NO. 624004 DATED JANUARY 22, 2021

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