



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 8, 2021

Mr. Angelo Frangeskou, Ph.D
Technical Projects Manager
Lightbox Jewelry Inc.
23055 SE Stark Street
Gresham, OR 97030

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY
COMMISSION REGULATION, TITLE 10 OF THE *CODE OF FEDERAL
REGULATIONS* SECTION 32.11 LICENSE CONDITION

Dear Mr. Frangeskou:

By letter received January 11, 2021, Agencywide Documents Access and Management System (ADAMS) Accession No. ML21019A224, Lightbox Jewelry Inc. (Lightbox), the licensee, requested an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Section 32.11, and License Conditions No. 14.

In its request, the licensee stated that due to the COVID-19 public health emergency (PHE), Lightbox is presently unable to perform its requirement to test no less than 2% of irradiated gemstones prior to distribution.

The exemption provision in 10 CFR Paragraph 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 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 license condition from which the licensee is requesting exemption is License Condition No. 14: "The licensee shall evaluate at least 2% of diamonds that the licensee intends to distribute to confirm that the concentration of radionuclides therein are below the exempt concentrations, using appropriate instrumentation and following appropriate procedures to ensure that any induced radionuclides do not exceed the concentration limits specified in 10 CFR 30.70, Schedule A, and the approved derived concentration limits for radionuclides not appearing in 10 CFR 30.70."

The regulation in 10 CFR 30.11(a) authorizes granting of exemptions specific to Part 30.34. The requirement in License Condition No. 14 requires the licensee to perform an evaluation of at least 2% of diamonds that the licensee intends to distribute to confirm that the concentration of radionuclides therein is below the exempt concentrations. 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. Additionally, the licensee's previous tests confirm the stones were safe for distribution. 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. 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 45 days, the licensee is exempt from the requirement in license condition No. 14 that requires the licensee to evaluate at least 2% of diamonds that the licensee intends to distribute to confirm that the concentration of radionuclides therein is below the exempt concentrations.

An environmental assessment for this action is not required, because this action is categorically excluded under 10 CFR 51.22(c)(25)(vi). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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>.

If you have questions, please contact Shirley Xu at Shirley.xu@nrc.gov or 301.415.7640.

Sincerely,

Shirley S. Xu

 Digitally signed by Shirley S. Xu
Date: 2021.02.08 10:47:06 -05'00'

Materials Safety and Tribal Liaison Branch
Division of Material Safety, Security, States,
and Tribal Program
Office of Nuclear Material Safety
and Safeguards

TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY COMMISSION
REGULATION, TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTION 32.11
LICENSE CONDITION DATED FEBRUARY 8, 2021

ADAMS Accession Number: ML21025A312

***via email**

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