



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 23, 1999

Mr. L. E. Pevey, Chief
Occupational Health
and Safety Division
U.S. Department of Commerce
National Institute of Standards
and Technology
Building 301, Room B124
Gaithersburg, Maryland 20899

SUBJECT: EXEMPTIONS FROM 10 CFR PART 36 (TAC NO. L31075)

Dear Mr. Pevey:

In accordance with your application dated March 24, 1999, and pursuant to Parts 36 and 70 to Title 10 of the Code of Federal Regulations, Materials License SNM-362 is hereby amended as follows:

1. The following eight license conditions (11 through 18) are added to exempt NIST's vertical beam radiation facility (irradiator operation) from certain requirements of 10 CFR Part 36:
 11. Notwithstanding the requirements of 10 CFR 36.23(a), the licensee is exempt from the requirement that the personnel entrance door or barrier must have a lock that is operated by the same key used to move the sources.
 12. Notwithstanding the requirements of 10 CFR 36.23(b), the licensee is exempt from the requirements that: (1) detection of entry, by an independent backup access control, while the sources are exposed must cause the sources to return to their fully shielded position and must also activate a visible and audible alarm to make the individual entering the room aware of the hazard, and (2) the alarm must alert at least one other individual who is onsite of the entry. When an operator is not present the licensee shall arm the independent backup access control system identified in the licensee's letter dated March 24, 1999.
 13. Notwithstanding the requirements of 10 CFR 36.23(c), the licensee is exempt from the requirement that attempted personnel entry while the monitor measures high radiation levels, must activate the alarm described in 10 CFR 36.23(b). The licensee shall comply with 10 CFR 35.615(b).
 14. Notwithstanding the requirements of 10 CFR 36.23(d), the licensee is exempt from the requirement that before the sources move from their shielded position, the source control must automatically activate conspicuous visible and audible alarms.
 15. Notwithstanding the requirements of 10 CFR 36.27(a), the licensee is exempt from the requirement that the sources must automatically become fully shielded if a fire is detected.

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16. Notwithstanding the requirements of 10 CFR 36.27(b), the licensee is exempt from the requirement that the radiation room must be equipped with a fire extinguishing system capable of extinguishing a fire without the entry of personnel into the room.
 17. Notwithstanding the requirements of 10 CFR 36.31(a), the licensee is exempt from the requirements that (1) the console key must be attached to a portable radiation survey meter by a chain or cable, and (2) the door to the radiation room must require the same key used for source movement (i.e., control console key).
 18. Notwithstanding the requirements of 10 CFR 36.67(a), the licensee is exempt from the requirement that upon first entering the radiation room after an irradiation, the irradiator operator shall use a survey meter to determine that the source has returned to its fully shielded position. The licensee shall comply with the radiation monitor requirements of 10 CFR 35.615(d) under all conditions of operation.
2. License Condition 9 is revised to authorize the use of radioactive material at offsite locations under U.S. Nuclear Regulatory Commission jurisdiction, subject to the controls of Section 1.8.a of the license application.
 3. The Chief of the Fire Protection Services is replaced by the NIST Fire Protection Specialist as the individual responsible for the review of any proposed laboratory or facility construction or modification.
 4. The .05 microcurie contamination action level requiring removal of teletherapy sealed sources from use is deleted. Consequently, teletherapy sealed sources are subject to the .005 microcurie contamination level applied to all sealed sources.

Accordingly, Condition 10 has been revised to include the date of March 24, 1999. In addition, Condition 9 has been modified as described in item 2, above and Conditions 11 - 18 have been added as described in item 1, above. Conditions 11 - 18 were discussed with and agreed upon by your Mr. Tom Hobbs on November 2, 1999. All other conditions of the license shall remain the same.

NIST has also provided updates to Part II in Sections 9.6, "Fire Protection" and 10.2, "Organization" of the license application. The updates are made to reflect the licensee's current operation. The staff has reviewed the updates and determined them to be acceptable. No licensing action is required for these updates.

Mr. L. E. Pevey

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Enclosed are copies of the revised Materials License SNM-362, and the Safety Evaluation Report, which includes the Categorical Exclusion determination.

If you have any questions regarding this licensing action, please contact the Project Manager, Dr. Richard Milstein, on (301)415-8149.

Sincerely,



Michael F. Weber, Deputy Director
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 70-398
License SNM-362
Amendment 2

Enclosures 1. License SNM-362
2. Safety Evaluation Report

Mr. L. E. Pevey

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Original signed by

Michael F. Weber, Deputy Director
Division of Fuel Cycle Safety
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**OGC concurred in
TRC, Rev. 9/2/99*

*See previous concurrence

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Sincerely,

Theodore S. Sherr, Chief
Licensing and International
Safeguards Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

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