



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

October 27, 2014

Ms. Chere D. Morgan, Director
Radiological Control
Idaho National Laboratory
2525 North Fremont Avenue
Idaho Falls, Idaho 83415

SUBJECT: DEPARTMENT OF ENERGY; PRIME CONTRACTOR EXEMPTION UNDER
10 CFR 30.12

Dear Ms. Morgan:

The U.S. Nuclear Regulatory Commission received a letter dated September 26, 2014, from you on behalf of the U.S. Department of Energy (DOE), Idaho National Laboratory (INL), that requested an exemption pursuant to 10 CFR 30.12 from NRC licensing requirements to allow Battelle Energy Alliance, LLC, the prime contractor for DOE INL, to conduct training using sealed sources that are owned and controlled by INL. The training was described as joint training and field exercises with Sandia National Laboratory, Federal Bureau of Investigation, and local law enforcement bomb squads on November 3-7, 2014.

The NRC regulations provide an exemption in 10 CFR 30.12 to any prime contractor of DOE at a government owned or controlled site, such as INL. However, if the prime contractor or subcontractor is performing work for DOE at another location which is not a government owned or controlled site, then the Commission needs to determine whether the exemption is authorized by law and whether, under the terms of the contract, there is adequate assurance that the work thereunder can be accomplished without undue risk to public health and safety.

In this particular case, DOE has requested to conduct work activities in an Agreement State. In accordance with Commission Policy Statement 46FR7540 dated January 23, 1981, Agreement States may issue case-by-case exemptions only upon a joint determination by the State and the NRC.

The NRC has reviewed the relevant parts of Battelle's prime management and operating contract with DOE INL to confirm that the contractor satisfies the requirements for the exemption as discussed in 10 CFR 30.12. Additionally, the NRC and the State of New York reviewed the procedures and commitments made by DOE INL for conducting work activities in New York. Based on this review, the NRC and the State of New York have determined that there is adequate assurance that the activity can be accomplished without undue risk to public health and safety. The NRC has also determined that an exemption under 10 CFR 30.12 is authorized by law. Therefore, this activity can proceed without the need to obtain a specific license.

C. Morgan

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Information related to this request can be found in the Agencywide Documents Access and Management System (ADAMS) at Accession No. ML14296A109.

If there are any questions or comments concerning this review, please contact John Miller, Health Physicist, at 610-337-5089.

Sincerely,

/RA/

Daniel S. Collins, Acting Director
Division of Nuclear Materials Safety

cc: Robert E. Dansereau, NYSDH

C. Morgan

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Non-Public Designation Category: Public

ADAMS ACCESSION NUMBER: ML14300A563

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**email input; stated that the exemption is authorized by law

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