



**DEFENSE LOGISTICS AGENCY
DEFENSE NATIONAL STOCKPILE CENTER
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6223**

IN REPLY
REFER TO DNSC-ME

JUL 08 2008

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Subject: Reply To A Notice Of Violation
Docket No. 040-00341
License No. STC-133

Gentlemen:

Your May 9, 2008 letter to the Defense National Stockpile Center (DNSC) transmitted a Notice of Violation alleging a failure to provide annual training or annual instructions as required under Sections 17.2 and 17.3 of DNSC's Occupational Radiation Protection Program (ORPP) at its Hammond Depot (Depot). DNSC in its reply submits the following:

1. The Defense National Stockpile Center (DNSC) disputes the alleged violation. The annual documented "training" requirement under ORPP Section 17.2 applies to depot personnel, not to security personnel. The latter require only annual "instructions". Please see ORPP Section 17.3: "...security personnel who may encounter radiological hazards during the performance of their duties will be properly instructed annually." in Attachment 1.

DNSC believes it was in compliance with the requirement for annual instruction in Section 17.3 of its ORPP. Security personnel were properly instructed annually on radiological hazards encountered during the performance of their duties.

DNSC fulfilled its obligation not just by providing one-time annual instructions but also by providing instructions through postings and signage. Please see Attachment 2 as evidence of fulfillment of DNSC's obligations under Section 17.3 of its ORPP.

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2. Section 17.3 of DNSC's ORPP applies to the security force at the depot requiring an annual "instruction" and not "training" of the security force. DNSC had properly instructed security personnel and therefore, no corrective action is required.

A single instance of providing instructions annually would not have covered those coming on guard duty on a transitory basis because of turn-over in the security force. Therefore, the Depot ensured security personnel, as they happened to be on the job, had proper hazard warning by roping off areas of concern and posting warning signs (please see Attachments 3 and 4).

3. Licensed radioactive material was removed from the Depot in early April of 2006; fully seventeen months prior to the date of the alleged violation. After the removal of licensed material, the only risk of exposure to ionizing radiation was at a few discrete locations identified as having the potential for residual contamination above levels which would permit unrestricted release. Again, because of the transitory nature of the security force personnel at the Depot, DNSC properly posted areas and instructed the security force to avoid entry to the restricted areas. Annual instructions alone would not have covered security force individuals as they happen to take the job on a transitory basis, then leave, and are replaced.

4. DNSC believes it has met its obligation of providing annual instructions in compliance with the requirement of Section 17.3 of its ORPP at all times. Therefore, DNSC requests the NRC to find DNSC in compliance with Section 17.3 of DNSC's Occupational Radiation Protection Program and rescind the Notice of Violation. In addition, DNSC requests an informal conference with the NRC to discuss the Notice of Violation and its proper disposition.

I swear, affirm, and declare the above facts and things are true and correct to the best of my knowledge.



Randall Nida
Chief, Environmental Management,
Safety & Occupational Health
Division

Attachments

1. Excerpts, Occupational Radiation Protection Program
2. Notice to Security Officers
3. Declaration of Eric Deal
4. Roped-off area and warning signs



DEFENSE NATIONAL STOCKPILE CENTER

OCCUPATIONAL RADIATION PROTECTION PROGRAM (Excerpt)

17. Training

17.1 Radiological officers shall be given at least 40 hours formal classroom training that will enable them to recognize, and evaluate through monitoring and surveys, radiological activities, prior to assuming duties within their areas of responsibility. Training courses must be approved by the ORPM. As a minimum, the training shall include: the fundamentals of ionizing radiation, its characteristics, and appropriate units of measure, evaluation techniques, instrumentation, biological effects, NRC Regulations, and control measures. Refresher training shall be provided triennially. Additionally radiological officers shall receive training in DoT Regulations.

17.2 All depot personnel (except clerical staff) shall receive annual training regarding potential hazards, precautions to minimize exposure, work practices and operating procedures, personal hygiene, information contained in NRC Regulatory Guide 8.13, and use of personal protective clothing and equipment. The RSO's shall develop a detailed, site specific, outline which will be kept on file at the depot. Attendance at all training sessions shall be documented and lists kept on file (See paragraph 4.8). At the conclusion of the training, a written test shall be administered; the passing grade shall be 70%. Persons failing the test shall be retrained and tested.

17.3 Security personnel who may encounter radiological hazards during the performance of their duties will be properly instructed, annually.



AKAL

SECURITY

7 Infinity Loop, Espanola, New Mexico 87532 (888) 325-2527 Ext. [#] (505) 753-7346 Fax

09/26/07

ATTENTION

WOLF LAKE SECURITY OFFICERS

**UNDER NO CIRCUMSTANCES ARE ANY OFFICERS
TO DRIVE THROUGH RESTRICTED OR BARRICADE
AREAS OF WOLF LAKE DEPOT.**

**IF YOU VIOLATE THIS ORDER YOU WILL BE SUBJECT TO
DISCIPLINARY ACTION AND MAY BE REMOVED FROM THIS
LOCATION.**

**IF YOU HAVE ANY QUESTIONS AS TO WHERE THESE
AREAS ARE LOCATED PLEASE DIRECT YOUR QUESTION
TO:**

**MR. ERIC DEAL
GENERAL SUPPLY SPECIALIST
HAMMOND DEPOT
(219)937-5284 OFFICE
(219)712-6392 CELL**

**LT. WAYNE MARAGH,
(312)360-9724 VOICE
(312)360-9743 FAX**

DECLARATION

I, Eric Deal, am a resident of Valparaiso, county of Porter, and state of Indiana, do hereby certify, swear, or affirm, and declare that I am competent to give the following declaration based on my personal knowledge unless otherwise stated and that the following facts and things are true and correct to the best of my knowledge.

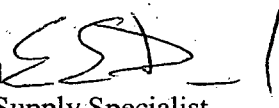
In August of 2006, Defense National Stockpile Center (DNSC) received the final report "Radiological Characterization Survey" from Oak Ridge Institute for Science and Education (ORISE). The report also identified Areas of Concern (AOC). At this time our Hammond Depot staff roped off the AOCs and posted appropriate warning signs. The Depot staff and security guard on duty were verbally notified of the potential hazard and instructed not to enter the AOCs without being accompanied by a Radiation Safety Officer (RSO).

Some time in August and September of 2006, I discovered the boundary rope in AOC-2 had been broken by someone having driven through the area. At this time, I re-instructed the Depot staff and security guard to stay out of these areas and to follow all posted signs on the Depot site. I maintained the boundary lines and warning signs in these isolated areas.

In August of 2007, World Environmental, Inc. (WEI) began the decontamination and decommissioning work at the Depot site under the supervision of Oak Ridge National Laboratory (ORNL). Concurrently, WEI was assigned maintenance of all AOC boundaries lines and warning signs.

In September of 2007, WEI discovered tire tracks in one of the identified AOCs. WEI notified me. WEI and I traced the tracks to a specific vehicle belonging to the site security company, AKAL. I contacted the security guard supervisor, who came to the Depot. WEI and I had a site inspection and discussion with AKAL supervisor reemphasizing the importance of staying out of posted areas.

WEI checked the tires and other surfaces such as floor boards for radiological contamination and found no contamination. After assuring AKAL supervisor and the guard on duty that no contamination was present on the guard patrol vehicle, I requested the supervisor inform all guards of this need to stay out of the posted areas. I also requested a reminder notice to be posted in the guard house. This notice was posted in the guard house at the depot.

Eric Deal 
General Supply Specialist
DNSC / MOHA

Witness my signature this 2 day of July 2008 month and year.

Witness [Signature]

Witness [Signature]

Looking South at AOC-2



The road has been blocked off and the entire area is restricted.