

03033039

VOID SHEET

TO: License Fee Management Branch
FROM: Region V
SUBJECT: VOIDED APPLICATION

Control Number: 571737

Applicant: Defense Logistics Agency

Date Voided: 10-22-93

Reason for Void:

This control is being voided per licensees
request on letter dated October 13, 1993.

B. Prange for G. Yukas
Signature

10/22/93
Date

Attachment:
Official Record Copy of
Voided Action

FOR LFMB USE ONLY

Final Review of VOID completed:

- Refund Authorized and processed
- No Refund Due
- Fee Exempt or Fee Not Required

1993 OCT 28 PM 2:34

Comments: _____

Log completed _____
Processed by: _____

140236

9312210315 931022
PDR ADDCK 03033039
C PDR

ML 50



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V

1450 MARIA LANE
WALNUT CREEK, CALIFORNIA 94596-5368

OCT 22 1993

Docket No.: 030-33039
Control No.: 571737

Defense Logistics Agency
Defense Distribution Region West
P.O. Box 960001
Stockton, California 95296-0720

Attention: Colonel James W. LaBounty
Commander

This is in reference to your license application dated August 27, 1993, to our letter to you dated May 19, 1993 requesting additional information, and to your subsequent letter dated October 13, 1993.

We have withdrawn your license application from our active system at your request. You may request that it be reinstated for up to one calendar year from the date of this letter. In your reply, include your responses to our letter of May 19, 1993, and the review process will be reinitiated. If you fail to respond within one year, it will be necessary for you to submit a completely new license application.

Sincerely,

Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch

Enclosure: Letter dated May 19, 1993

Distribution

License docket folder
Inspection folder
Rita Messier, LFDCB, MNBB 4503

BP
BPrange
10/22/93

GP
GPYuhas
10/22/93

REQUEST COPY YES ___ NO <input checked="" type="checkbox"/>	REQUEST COPY YES ___ NO ___	REQUEST COPY YES ___ NO ___	REQUEST COPY YES ___ NO ___
SEND TO DCS YES <input checked="" type="checkbox"/> NO ___	SEND TO PDR YES ___ NO* ___	* Please indicate which documents should not be sent to PDR. Refer to RV 0502-A8.	

LTS WORKSHEET

DOCKET NO : 03033039 LICENSE NO : _____ STATUS: 3

MAIL CONTROL: 571737 RECEIPT DATE : 921228 ACTION TYPE: 2
DUE DATE : 930328

FED. GOVT : N INST. CODE : 29061 LICENSE REGION: 5

ISSUE DATE: _____ ORIGINAL DATE: _____ EXPIRATION DATE: _____

NAME : DEFENSE, DEPARTMENT OF DECOM FIN ASSUR REQD: -
SUBM: -

DEPT/BUREAU: DEFENSE DISTRIBUTION REGION WEST CONT PLAN REQD: APPRV: -

BUILDING : _____

STREET : P.O. BOX 960001

CITY : STOCKTON STATE: CA ZIP: 952960002

CONTACT PERSON: LEILA BARNEC PHONE: _____

PRIMARY PGM CODE : _____ SECONDARY PGM CODES: _____

INSPECTION REGION: 5 PRIORITY CODE: __ INSPECTION CATEGORY: __

RADIATION SAFETY OFFICER: _____

- STATES WHERE USE IS AUTHORIZED: -
- 0 - ALL LISTED STATES
 - 1 - SAME AS STATE IN ADDRESS
 - 2 - ALL STATES
 - 3 - NON-AGREEMENT STATES

AUTHORIZED STATES: _____ (USE ONLY IF ABOVE IS ZERO)

REPORTING IDENTIFICATION SYMBOL: _____

APPROVAL FOR: REDISTRIBUTION: STORAGE ONLY:
TEMPORARY JOB SITES: INCINERATION:
BURIAL:

EXEMPTIONS: (1) _____ (2) _____

VOID 10-22-93



DEFENSE LOGISTICS AGENCY
 DEFENSE DISTRIBUTION REGION WEST
 P.O. BOX 960001
 STOCKTON, CA 95296-0720



IN REPLY
 REFER TO

DDRW-BH

13 OCT 1993

Mr. James L. Montgomery
 U. S. Nuclear Regulatory Commission
 Region V
 1450 Maria Lane
 Walnut Creek, CA 94596-5388

Dear Mr. Montgomery:

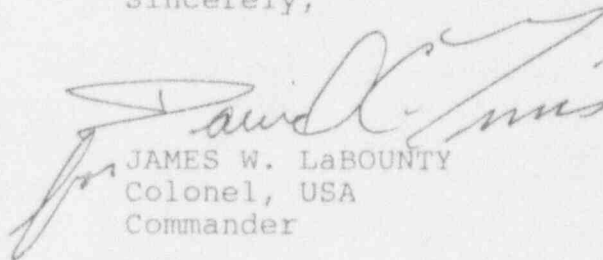
This is in regard to Mail Control Number 571737, Docket Number 030-33039, concerning the Defense Distribution Region West's (DDRW) application for a Nuclear Regulatory Commission (NRC) License.

Our letter of June 25, 1993, concerning this issue required a response to you on five open issues by October 15, 1993. Since that time, Headquarters, Defense Logistics Agency (HQ DLA) has decided to revisit with the Joint Uniformed Services (JUS) the issue of obtaining a NRC License and the alternatives that are available.

We respectfully request the NRC License application for DDRW be placed in reserve until DLA and JUS have evaluated all workable options.

If you have questions concerning this matter, please contact Mr. Charles M. Visser, Safety and Occupational Health Manager, (209) 982-2041.

Sincerely,


 JAMES W. LaBOUNTY
 Colonel, USA
 Commander

cc: CAAE, MAJ Coogen

RECEIVED
 NRC
 REGION V
 93OCT 15 AM 11:29



DEFENSE LOGISTICS AGENCY
DEFENSE DISTRIBUTION REGION WEST
P.O. BOX 96001
STOCKTON, CA 95296



1993 JUN -1 10 10:04

IN REPLY
REFER TO

DDRW-BH

25 JUN 1993

Mr. James L. Montgomery
U. S. Nuclear Regulatory Commission
Region V
1450 Maria Lane
Walnut Creek, CA 94596-5388

Dear Mr. Montgomery:

This is in reply to your letter dated May 19, 1993, Mail Control Number 571737, Docket Number 030-33039, concerning the application for a Type A, Broad Scope License for the Defense Distribution Region West (DDRW). Our response to concerns expressed in your letter are provided in the order presented:

a. The request for a type A Broad Scope License will be reviewed. A specific answer will be provided by October 15, 1993.

b. Mr. Charles M. Visser will be the Radiation Protection Officer (RPO) for the license. His resume is enclosed. Ms. Leila Barnech will be the Alternate Radiation Protection Officer (ARPO).

c. To provide specific information on demilitarization (DEMIL) of commodities will require contacting the Army, Air Force and Navy for specific information. This information is expected to be available by October 15, 1993.

d. Training in DEMIL will be provided based on the information provided in paragraph c above.

e. The training of the Radiation Control Committee will be commensurate with the type of license possessed by DDRW. This will occur after October 15, 1993.

f. The license manager is the person who will provide the resources necessary to conduct the radiation program; the RPO will implement the program.

g. License possession limits will be specified by October 15, 1993.

h. We will use the 10 CFR 20 which will be effective January 1, 1994. If the license is granted prior to this time, the Director of the Office of Nuclear Materials Safety and Safeguards will be notified in writing.

DDRW-BH PAGE 2
Mr. James L. Montgomery

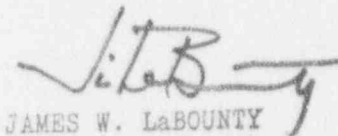
25 JUN 1993

1. All Memoranda of Understanding (MOU's) concerning radioactive commodities will be revoked upon receipt of DDRW's license. A letter from Defense Logistics Agency (DLA) requesting specific information from the services will be forwarded to you in place of the MOU's.

We will address the feasibility of a more restrictive license and the need for site specific RPOs, by October 15, 1993.

If you have any questions concerning this matter, please contact Mr. Charles M. Visser, Safety and Occupational Health Manager, (209) 982-2041.

Sincerely,



JAMES W. LaBOUNTY
Colonel, USA
Commander

Encl

cc: CAAE, MAJ Coogen

VISSER, CHARLES M., SAFETY MANAGER, GS-018-12

COURSE	PERIOD
Compton College, Compton, CA	Sep 1963 - Jun 1966 70 hours A.S. - Engineering
Long Beach State College, Long Beach, CA	Sep 1966 - Aug 1968 64 hours B.A. - Philosophy
San Diego State College, San Diego, CA	Sep 1971 - Dec 1973 70 hours B.S. - Biology
Radiation Monitoring, Sacramento, CA	7-9 Aug 1985
Radiological Protection, Anniston, AL	6-29 Jan 1986
Radiation Protection Management, Charlestown, IN	29-31 Mar 1988
Accident and Emergency Preparedness Training, Fort Belvoir, VA	5-9 Jun 1989
Laser Safety Course, Charlestown, IN	11-13 Oct 1989
Microwave Oven Survey Techniques Workshop, Presidio, San Francisco, CA	5 Dec 1989
Radiation Protection Officer, Sacramento Army Depot, Sacramento, Ca	28 Feb 1990 to 12 Mar 1991
Advanced Instrumentation Techniques (Pilot), Fort McClellan, AL	9-13 Jul 1990
Alternate Radiation Protection Officer, Sacramento Army Depot, Sacramento, CA	12 Mar 1991 to present
Packaging and Transportation of Radioactive Material, Technical Management Services, Inc., Washington, D.C.	26-29 Oct 1992

DATE 6/2/93

TELEPHONE OR VERBAL CONVERSATION RECORD

TIME A.M. P.M.

INCOMING CALL OUTGOING CALL VISIT

PERSON CALLING Jim Montgomery OFFICE/ADDRESS : PHONE NUMBER EXTENSION

PERSON CALLED Joe Wang OFFICE/ADDRESS NMSS PHONE NUMBER EXTENSION 301-504-2611

CONVERSATION

SUBJECT DLA license (control 571737)

SUMMARY

I asked Wang if this type of license should be issued by NRC (i.e. one license based in Stocketon that covers Army Depots spread out over the Western U.S.). He thinks that since the army will initially only be receiving, storing + transferring licensed material, that this license could be done provided DLA is able to supply all required info. Maj. Coogan informed Wang that no demilitarization would be done, at least initially. Charles Visser indicated otherwise to me. Nevertheless, the license could be done + will probably be similar to one issued by Region I to the Army's "SEACOM" in Ft. Monmouth, New Jersey.

Wang suggested I call John Kenneman in R-I to discuss further.

On this same date, 6/2, I called Charles Visser + relayed the above.

REFERRED TO:

ACTION REQUESTED

ACTION TAKEN

ADVISE ME OF ACTION TAKEN.

INITIALS

DATE

INITIALS

DATE

DATE 6/1/93
TIME A.M.
 P.M.

TELEPHONE OR VERBAL CONVERSATION RECORD

INCOMING CALL OUTGOING CALL VISIT

PERSON CALLING: Charles Vissers
OFFICE/ADDRESS: US Army Defense Logistics Agency
PHONE NUMBER: 209-982-2041
EXTENSION:

PERSON CALLED: Jim Montgomery
OFFICE/ADDRESS:
PHONE NUMBER:
EXTENSION:

SUBJECT: Broad Scope License Application

SUMMARY
Re. my deficiency ltr. dated 5/19/93:
Vissers said they can't separately license each depot because they want to manage from a central location as in the case of the US Army Communications & Electronic Command (SEACOM) license issued by R-I. Vissers feels if R-I did it for SEACOM why can't R-V?
I said I would contact NNS re. this & determine if feasible. (Joe Wang).

REFERRED TO:
ACTION REQUESTED: ADVISE ME OF ACTION TAKEN.
INITIALS:
DATE:
ACTION TAKEN: INITIALS:
DATE:

MAY 19 1993

MEMORANDUM FOR: Ronald R. Bellamy, Chief
Nuclear Materials Safety Branch, RI

FROM: Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch, RV

SUBJECT: BROAD SCOPE TYPE A LICENSE APPLICATION

For your information I am enclosing a deficiency letter we have prepared concerning a Broad Scope Type A license application from the Defense Logistics Agency, Stockton, California. We understand from conversations with NMSS that Region I has or will receive a similar license request.

Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch

Enclosure:
As stated

Distribution

bcc:
License docket folder
Inspection folder

Gregory P. Yuhas
GYuhas
1/1

J. Montgomery
JMontgomery
5/19/93

REQUEST COPY	REQUEST COPY	REQUEST COPY	REQUEST COPY
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

SEND TO DCS
YES NO

SEND TO PDR
YES NO

* Please indicate which documents should not be sent to PDR
Refer to RV 0502-A8

MAY 19 1993

Docket No.: 030-33039
Control No.: 571737

Defense Logistics Agency
Defense Distribution Region West
P.O. Box 360001
Stockton, California 95296-0002

Attention: Colonel James W. LaBounty
Commander

This is in reference to your application dated August 27, 1992 for a byproduct material license. In order to complete a thorough review of your entire application we need to gain a better understanding of the activities you plan to conduct with licensed radioactive materials and resolve a number of concerns as follows:

1. In your application, you requested a Type A Broad Scope license; however, 10 CFR 33.13(b) specifies that an applicant for such a license should have engaged in a reasonable number of activities involving the use of byproduct material under a more limited specific license. As the Defense Logistics Agency, Defense Distribution Region West, has not held an NRC license, this criteria does not appear to have been satisfied. We normally do not issue a Type A Broad Scope license unless the applicant has operated successfully under a more restrictive NRC license. This is to ensure that the applicant has the necessary experience to operate safely under the more restrictive license before obtaining the Broad Scope license.
2. We expect the Radiation Protection Officer (RPO) for a Broad Scope license to have, as a minimum, a bachelor's degree or equivalent training in the physical and/or life sciences. Additional training should be commensurate with the type of radioactive material uses under the license. Although the designated RPO has completed a number of radiation safety classes and has had some experience with tritium and with millicurie amounts of some radioactive materials, it is not clear that she has had training in the "demilitarization" of the various commodities which you may possess under this license.
3. Your description of the demilitarization process is vague. We understand that many different commodities may be involved. Since the demilitarization process appears to require the most direct handling of radioactive material by your personnel, we anticipate having many radiation protection related questions once you have adequately described all of the demilitarization processes and commodities involved. Your license application contains considerable radiation protection

information. However, we cannot adequately review this portion of your application until you provide an adequate description of all radioactive commodities and their associated demilitarization process or other handling practices.

4. Similarly, the local RPOs will need training and experience in demilitarization of those commodities possessed at their respective depot facilities in addition to the 80 hours of classroom training in radiological protection which was described in Supplement 8.1 of the application.
5. As the Radiation Control Committee (RCC) will include the Commander, the Radiation Protection Officer (RPO), the Safety Manager, the Staff Medical Officer, the Legal Counsel, representatives from each depot facility as necessary, and other individuals as necessary, it is not clear that persons participating in the RCC, other than the RPO, are trained and experienced in the safe use of radioactive materials, as is required by 10 CFR 33.13(c).
6. It is not clear how the License Manager will relate to the RPO. How will their responsibilities be divided?
7. Due to the Decommissioning Rule, which is described in 10 CFR 30.35, 40.36, and 70.25, license possession limits must be specified, or a facility-by-facility decommissioning funding plan must be established for this license. Appendix F of Regulatory Guide 3.66, copy enclosed, and Regulatory Guide 3.65, also enclosed, provide guidance on this issue. When determining the total amount of funding necessary, the amounts required for byproduct, source, and special nuclear material must be determined separately and added together.
8. Your application makes reference to the new 10 CFR 20 which becomes fully effective on January 1, 1994. If you intend to use this version of Part 20, you should so state. Also, you should send a written notification to the Director of the Office of Nuclear Materials Safety and Safeguards as described in 10 CFR 20.1008 if your license is issued prior to the implementation date.
9. We understand that Memorandums of Understanding (MOU) have been or will be developed between your agency (DLA) and the military services concerning the receipt, possession, use and disposal of licensed material. Please submit a copy of all such MOUs as they pertain to your license application.

In summary, we believe a Broad Scope Type A license is not feasible based on the information you have submitted in your application. It appears that a more restrictive license or licenses may satisfy your needs and also expedite the NRC licensing process. A specific license issued to each depot with site specific RPOs and an overall coordinating RPO appears to be a more realistic goal.

Based on the questions and information presented in this letter, you need to consider if revising your Broad Scope Type A license request is feasible and provide the requested information regarding commodities, demilitarization, training, decommissioning and 10 CFR Part 20.

We will continue the review of your license request upon receipt of this information. In order to continue prompt review of your application, we request that you submit your response to this letter within 30 days from the date of this letter. Please reply in duplicate, and refer to Mail Control No. 571737.

Sincerely,

James L. Montgomery
Senior Materials Specialist
Radioactive Materials Safety Branch

Enclosures:

Regulatory Guide 3.66, Appendix F
Regulatory Guide 3.65

cc:

MAJ Michael Coogan
Defense Logistics Agency
ATTN: DLA-WH
Cameron Station
Alexandria, Virginia 22304

Distribution

bcc License docket folder

bcc Inspection folder

bcc Shirley Crutchfield, LFDCB, MNBB 4503

✓ bcc Joe Wang, NMSS, DWFN, 6 H3 - (letter only)

✓ bcc Ron Bellamy, Region I (letter only)

GYuhas
/ /

JMontgomery
Jim
5/19/93

DSkov
/ /

BPrange
/ /

REQUEST COPY YES <input type="checkbox"/> NO <input type="checkbox"/>	REQUEST COPY YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUEST COPY YES <input type="checkbox"/> NO <input type="checkbox"/>	REQUEST COPY YES <input type="checkbox"/> NO <input type="checkbox"/>
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SEND TO DCS
YES NO

SEND TO PDR
YES NO*

* Please indicate which documents should not be sent to PDR
Refer to RV 0502-A8

May 11, 1993

NOTE TO: Jim Montgomery
Region V

FROM: Joe Wang
IMAB/IMNS/NMSS

SUBJECT: DEFENSE LOGISTIC AGENCY's NEW LICENSE APPLICATION

In accordance with John Glenn's memorandum, dated April 19, 1993, I discussed this application with Major Coogen of DLA Headquarters. Based on his input, I have drafted the enclosed documents for your consideration. Please review and lets talk.

Thanks,



Enclosures:

1. Key Issues to be Resolved
2. Major Staff Concerns
3. Specific Staff Comments on DLA's application

DRAFT

KEY ISSUES TO BE RESOLVED CONCERNING
DLA/DDW's NEW APPLICATION FOR A BROAD LICENSE

5/11/93

1. **Qualification of RSO & ARSO** - The staff understands that DDW has obtained two health physics slots (I306s). NRC needs to re-emphasize this point.
2. **Materials Accountability** - The staff understands that DLA plans to centralize its computer tracking system, but it may take a number of years to complete. DLA needs to clearly describe their current materials accountability program for NRC staff evaluation.
3. **Demilitarization and Maintenance** - It is the staff's understanding that DLA will not pursue demilitarization and maintenance under this application (i.e., storage only). The staff needs to verify this; and if DLA indicates otherwise, the license application will become more complicated since the staff will need additional information and time to evaluate these issues.
4. **MOUs (Memorandum of Understanding)** - The staff needs copies of these MOUs between DLA and the Services. These MOUs define the responsibilities of the respective parties before a NRC license is issued and after the NRC license is issued.
5. **Commodities** - It is the staff's understanding that DLA already knows what's in its radioactive materials inventory. If so, DLA should have no problem providing the staff a list of these commodities, the corresponding: sealed sources and devices registration numbers, radionuclide, activity per commodity, total activity for each radionuclide and each category of commodity, and total quantity under the license.
6. **Waste Disposal** - It is the staff's understanding that DLA will not be the dumping grounds for out of date commodities from the Services. The staff needs to get a commitment from DLA (through MOUs) that this is the case. If not, the staff will need additional information and time to make the necessary evaluation.
7. **Radiation Safety Committee** - The authority and duties of the RSC need not be as broad as that of a RSC under a type A specific license of broad scope. DLA needs to define the RSC role more clearly in line with the actual mission and responsibility of its license.

MAJOR STAFF CONCERNS REGARDING DLA, DEFENSE DISTRIBUTION
WEST'S NEW APPLICATION FOR A BROAD LICENSE

I. NEED FOR A BROAD LICENSE

* NRC don't normally issue a Type A Broad license unless the applicant has operated in compliance under a more restrictive license issued by the NRC. This is to ensure that the applicant has the necessary experience to operate safely under a more restrictive license before obtaining the Broad license. It is not clear that DLA will need a Broad license. A more restrictive license than a Broad license may satisfy DLA's needs and also speed up the licensing process.

II. CLEARLY DEFINE DLA'S RESPONSIBILITIES, MISSION, AND USE OF LICENSED MATERIALS UNDER THE LICENSE

- A. What is the current status of MOUs with the major Services?
- B. What will be the MOUs after issuance of the NRC license?

II. MANAGEMENT STRUCTURE -

A. A clearly defined management structure within DLA, committed to radiation safety and with the necessary authority to implement and enforce the radiation safety program under the license. (*)

B. Radiation Safety Officer for license must have direct access to the appropriate level of DLA management to address and resolve radiation safety issues. (*)

C. Line management are responsible and held accountable for radiation safety. (*)

D. The Radiation Safety Program should be located in the DLA organization comparable to other health and safety programs. (*)

E. Justification must be provided for the need of Radiation Safety Committees (RSC). RSCs are normally applicable to only Broad licenses.

F. An audit program should be in place.

III. MATERIALS ACCOUNTABILITY AND SAFETY -

A. The materials accountability program must be able to track all important quantities of radioactive materials under the license. That is, the

location, type of commodity, and activity of each important quantity of radionuclide in the system at a given time.

1. There will be 4 different types of depots (i.e., Army, Navy, Air Force, and Marine) with perhaps 4 different tracking systems for items stored at or shipped in/out of the depots. Will these different tracking systems be compatible to each other? Are there other problems that needs to be resolved?

B. DLA must be able to comply with the leak test requirements under the license.

1. How will these required tests be done since each of the commodities belong to one of the 4 services? If DLA do the leak test, how will the four services know?

C. The applicant must be able to identify the radionuclides, physical and chemical form, and activity under the license.

1. Will there be any non-sealed sources or devices?

2. Are the sealed source and devices registered with NRC or an Agreement State?

3. What about generally licensed products and exempt products? Will these be tracked? If not, why?

D. Since DLA will possess, but not own the radioactive materials, the responsibilities for the radiation safety of these materials between DLA and the four services must be clearly defined.

1. Who has responsibility during a transportation accidents involving the materials?

IV. QUALIFICATION OF PERSONNEL IN RADIATION SAFETY

A. The Radiation Safety Officer for this type of license should have a bachelor's degree or equivalent training in the physical and/or life sciences. Additional training should be commensurate with the type of radioactive materials and uses under the license. All radiation protection positions, such as the depot radiation safety officers, under the license should be described in terms of qualifications and job duties.

1. If current DLA personnel are not adequate to do the job, will DLA obtain the appropriate personnel?

B. All radiation safety training programs should be specified. Further information on these training programs may be requested.

C. Training in radiation safety for line managers needs to be provided.

D. Training of radioactive materials handlers (shipping clerks, forklift operators, etc.) should be specified. (*)

IV. RADIATION SAFETY PROGRAM -

A. Procedures should not be dependent on individuals. Give qualifications and job responsibilities.

B. DLA plans to dismantle (i.e., demilitarization) radioactive components from its matrix. Submitted procedures do not cover these potentially hazardous operations.

V. WASTE DISPOSAL -

A. Will DLA be the dumping grounds for unwanted radioactive materials from each of the services?

VI. DECOMMISSIONING -

A. Will there be contaminated sited transferred from ther other Services?

* To Note that the application has addressed the issue, at least in part

DRAFT

COMMENTS ON DLA's LICENSE APPLICATION 5/10/93 FOR A TYPE-A BROAD MATERIALS LICENSE

1. Supplement 3.1 - Locations where licensed materials may be possessed, receipted, stored, distributed and disposed.

Comment - Does DLA still want to dispose? Our current understanding is no. Also, application should provide more specific information on the address and description of places of storage. Depending on the amount and type of materials in these places of storage, the application should address any physical features and equipments that help to ensure the safe storage of the materials.

2. Supplement 5.0 - Radioactive Material List

Comment - NRC cannot issue a license for unlimited quantities of radioactive materials. Based on the submittal, DLA will have to submit additional information to comply with emergency response requirements for all its depots which would not be appropriate for materials under DLA's possession.

Sealed sources and devices need to meet 10 CFR 32.32 (g). Since DLA needs to account for all its materials, this information (registration #'s for sealed sources and devices) should be available and provided in the application.

3. Supplement 6.0 - Purpose for which licensed material will be used

Comment - Does DLA still want to dispose? What is meant by "disposal of licensed material will be restricted as it applies to life cycle control or radioactive waste generated as a results of a distribution function only" ?

4. Supplement 7.0 - Organization Chart (*)

Comment - It appears that the function of the Hq. Health Physicist is "consultant" only. Therefore, the Radiation Protection Officer of Defense Distribution West is the responsible individual for radiological safety. What is the relationship and authority of the Defense Distribution West's RPO to the commanders and the local RPOs to ensure the responsibility of the license is carried out? (See item 5 below)

5. Supplement 7.2 - Authority and Responsibilities (*)

Comment - (General) The line managers have to be held responsible and accountable for radiation safety since it is their workers that handle the commodities on a day to day basis. Radiation safety is everybody's responsibility, not just the Safety Dept. The duties and responsibilities of the various organizations are addressed later, but should be mentioned here.

Paragraph 2. - What is the relationship of the license manager to the RPO?

(*) Discussed in detail under DDW's internal procedures (Item 17 below), but should be discussed in general here.

6. Supplement 7.3 - Letter of Appointments

Comment - The minimum qualifications of each position can be specified and delineated in the application. Otherwise, each time there is a turnover, DLA will have to submit an amendment request for a new individual in the position. This will be both time and resource consuming for both NRC and DLA. The names of custodians for preparing DD Form 1952 need not be included in the license application.

7. Supplement 7.4 - Resumes of RPO and ARPO

Comment - The formal training and experience of the submitted RPO does not appear to meet the minimum qualification guidelines of the RPO. Such an individual should have at least a bachelor's degree in the physical sciences and appropriate experience in the management of the type and amount of radioactive materials under the license. Similarly, the resume of the ARPO also does not appear to meet the minimum qualification guidelines of the NRC for such a position.

8. Supplements 7.5/7.6 - Radiation Control Committee

Comment - (General) The functions of the Radiation Control Committee (RCC) appears to be written for a type A broad scope license. Since this will be a "storage" only license, does DLA/DDW need a RCC? If so, define the need and functions of the RCC in terms of the mission and responsibility of DDW. For example, it appears that the routine review of NRC licenses to ensure that the recipient of the radioactive materials, shipped by DDW, is authorized to receive the materials can be performed by the RPO's staff and would not require a RCC. However, reviewing the reports of accidents and/or incidents involved licensed materials would be an appropriate function of the RCC. A standard RCC would include representatives from user groups (in this case the Depot line managers or workers for example). However, this application is not committed to include the user groups on the permanent committee.

9. Supplement 8.1 - Radiation Worker Training

Comment - Annual or biennial training for depot workers and their managers are appropriate. Training course needs to be better defined with regard to the mission of the depot workers (e.g., shipping and receiving of radioactive materials, follow procedures, documentation).

10. Supplement 8.3 - On-The-Job-Training

Comment - Since supervisors of radiation workers have to give on-the-job radiation safety training, then we presume that these supervisors are qualified radiation workers. What trainings have these supervisors been given and what is the basis for qualifying these supervisors as experienced radiation workers?

11. Supplement 9.1 - Facilities

Comment - See comment 1 above. Need more specific information on storage

locations and facilities. Provide description of each depot facility, where the licensed materials will be stored, and radiological control points to these areas (e.g., restricted areas) if needed. Otherwise, NRC inspectors will have no idea where to go and what is stored where. What is the title of NBS Handbook 92? What's the content?

12. Supplement 9.3 - Instrument Calibration

Comment - What is the basis for annual calibration? Most NRC licensees are required to calibrate their survey instruments on either quarterly (e.g., radiography) or every six months.

Specific calibration procedures of specialized instruments per manufacturer's instruction need not be submitted as part of the application. Application should state that these instruments will be calibrated per manufacturer's instructions and will be included in DDW's operation procedures.

13. Supplement 10.0 - Radiation Safety Program

Comment - (General) It is correct that for a type A broad scope license, internal operating procedures can be changed as approved by the Radiation Control Committee. Based on the information submitted under Radiation Safety Program (10.0), the staff does not have the confidence that DDW should, at this time, be authorized to do what's proposed unless the applicant can demonstrate otherwise. If specific procedures are to be changed, then these procedures need not be submitted to the NRC for review. Rather, the application should provide sufficient elements of the radiation safety program for the NRC to verify that the applicant will comply with all necessary requirements.

14. Supplement 10.1 - Surveys

Comment - Suggest changing paragraph a to "... Surveys will be conducted at least monthly..." Depending on the hazard, there may be a need to perform more frequent surveys. What is meant by "removable contamination action levels? Release limits under Regulatory Guide 1.86 for beta-gamma removable contamination is 1,000 disintegrations per minute per 100 sq. centimeters swipe. Many NRC licensed facilities would treat any area with greater than 1,000 disintegrations per minute per 100 sq. centimeters of contamination as contaminated area (with step off pads and entry control points, etc.). For materials possessed under this type of license, one should not get this high of a contamination level.

15. Supplement 10.3 - Personnel Monitoring

Comment - Second paragraph from bottom - 10 CFR (missing). See Item 17(general) below.

16. Supplement 10.4 - Control and Recording Procedures for Exposure to Ionizing Radiation and Radioactive Materials

Comment - This is an army manual. Will this be sent to NRC regions for

review and approval? Agreeably, the document is out of date. This application has committed to the new Part 20. Will the revised Army manual be available by the time this license is issued? The commitment should be to this and subsequently revised manual, provided it has been approved by the NRC region.

17. Supplement 10.5 - Radiation Protection Regulation

Comment - (General) The title of this section is misleading. Radiation Protection Regulations is 10 CFR Part 20. This section addresses the DDW radiation protection program. Throughout this document, there is a reference to 10 CFR, but not parts. If general, substitute "10 CFR" with "applicable NRC regulations."

(1) Page 3, Section F. - Responsibilities of Dir. of Distrib.

Comment - The responsibilities of the various line managers should be clearly delineated, which is addressed in this section. However, the Director of Distribution cannot receive, handle, send, etc. radioactive materials packages without inputs on DOT and NRC requirements and surveys results from the Radiation Protection Office. Section F. needs to be revised accordingly.

(2) Page 5, Section K. - Responsibilities of Local RPO

Comment - To be consistent with Section F. above, the responsibilities of the local RPO should include the survey and label of shipping packages containing radioactive materials and the accompanying documentation.

(3) Page 6, Section M. - Responsibilities of Supervisors of Radiation Workers or Radiological Projects

Comment - Item 7, "Post required warning signs and notices" and item 10, "Assure radiation workers have proper protective clothing and equipment when required" are functions normally associated at least in part with the Radiation Protection Office. These responsibilities should not be completely transferred to the line management.

(4) Page 6, Section N. - Responsibilities of Radiation Workers

Comment - Radiation workers should be allowed to perform surveys in their work areas, and to co-ordinate or request assistance from the RPO when needed. These responsibilities are not addressed.

(5) Page 12, Section G. - External Inspections

Comment - NRC does not allow the licensee to dictate procedures that NRC inspectors must follow (e.g., report first to the Installation Commander, and be accompanied at all times by the RPO or alternate RPO). As a matter of courtesy, NRC inspectors normally visit the licensee's management first, but not because of the licensee's procedures. This

section should be deleted from the license application. Defense Distribution West can always add additional internal procedures for its staff in addition to what's required on the license.

(6) Page 13, Section H. - Physical inventory

Comment - The staff understands it's labor intensive to conduct physical inventory for DLA's facilities in which materials are constantly coming in and going out of the facilities. However, it's precisely the need to keep track of materials in a transient environment that a combination of a computer tracking system along with accurate physical inventory be developed. An annual physical inventory may be appropriate after the licensee's material accountability program has been established and the NRC inspectors have gained the necessary data to verify the completeness of the licensee's material accountability program. Currently, it is the staff's understanding that there is no generic computer tracking system for all the Service's commodities. This section needs to be expanded to address how DLA can ensure that they will know what materials they have, the location of the materials, and how much materials at each location at any given time.

(7) Page 13, Section IX. - Radiation Detection Equipment

Comment - Application states that "Survey instruments shall be calibrated annually". Some instruments (e.g., for radiography) are required by the NRC to be calibrated quarterly. Minimum period for this type of operation should be at least semi-annually.

(8) Page 16, Section F. - Transportation of Radioactive Material

Comment - First paragraph on packages ready for transportation states that "... under conditions normally incident to transportation the radiation level does not exceed 200 millirem per hour at any point on the external surface of the package, and the transport index does not exceed 10." The applicant needs to review DOT and NRC transportation and labeling requirements since the "200 millirem per hour" limit is not applicable to all packages. This section needs to be re-written.

(9) Pages 16-17, Section XI. - Disposal of Radioactive Waste

Comment - This whole section appears to be taken from procedures of an institutional licensee. Since DLA/DDW's license will mainly be a storage license only, much of the procedures in this section will not apply. The applicant needs to re-write the procedures of this section to be consistent with its mission and responsibility.

(10) Page 17, Section XII - Contamination

Comment - Since most materials under this license will be either sealed sources or devices, there should not be any contaminations unless there is a leak of the sealed sources or devices. At what contamination level will the applicant consider a "contaminated area"? What is the action

level for protective clothing? What is the action level for performing decontamination?

(11) Page 18, Section XIII - Radiography etc.

Comment - It is not clear whether this section is addressing radiography sources as specified under 10 CFR Part 34 which is regulated by the NRC, or x-ray equipment which is not regulated by the NRC.

(12) Page 19, Section IVX - Emergency Procedures

Comment - This section again appears to be taken from procedures of licensees with more complex operation than the applicant. For example, based on our understanding of the materials involved in the license application, there should not be any liquids. So how can there be a spill which requires the kind of action stated under the "Spills" section? The most likely scenario would be a breakage of tritium gas container. Emergency procedures should be tailored to address the realistic scenarios that can occur under the license.

18. Supplement 12.0 - Financial Assurance

Comment - It is our understanding that there are sites that DLA inherited from the Services that are contaminated. We need to know the extent of this contamination and how much will it cost to return these sites for use by the general public. We cannot agree that the cost under 10 CFR PaRRT 30.35 is \$75,000 until we know the maximum activities associated with each radionuclide under the license.

19. Supplement 13.0 - Demilitarization

It is our understanding that the applicant will not be performing demilitarization. If this is not the case, please let us know since this will raise any number of health and safety issues which the applicant will need to address.

MEMORANDUM FOR CHIEF, SAFETY OFFICE

SUBJECT: NRC/Army/DLA Meeting

1. Purpose. To discuss reorganization of functions between Army and DLA which impact Army licenses.
2. Attendees. Enclosure 1.
3. Discussion.

a. Dr. John E. Glenn, NRC, provided the U.S. Nuclear Regulatory Commission (NRC) perspective and requested an overview of what is occurring organizationally within DoD and our concerns. Dr. Glenn explained that a licensee is the entity who controls and possesses the radioactive material. No transfer (of control or radiation safety) is allowed without NRC permission. The license is not granted unless NRC has assurance that the licensee has the capability to comply, i.e., facilities, equipment, qualified people.

b. Mr. Taras, AMCSF, explained the drawdown and reductions within Army based on the current defense posture and reductions in funding and force.

AMC ?
c. Alternatives were discussed (enclosure 2) for compliance with the need to obtain written NRC permission to effect the transfer. The immediate fix is for AMC licensees to establish a common memorandum of understanding with DLA acceptable to NRC until DLA can assume NRC license responsibilities. NRC stressed the need for DoD/Army to have written NRC approval prior to transfer of any mission or responsibility of an NRC license. NRC recommends the MOU also establish the target date for DLA to obtain its own radiation safety capability and license. NRC requests the MOU contain at a minimum LAW NRC Information Notice No. 89-25 (enclosure 3) the following:

- (1) How will Army licensees and DLA exercise radiation safety and control responsibilities--inventories, accidents.
- (2) How will Army licensees inspect/audit DLA activities to assure compliance. How will discipline be exercised in event of a serious deficiency.
- (3) Army licensees must include the DLA activities in their statement of intent for financial assurance and must be responsible for decontamination/restoration; later as DLA takes more responsibility there will need to be an agreement on restoration of existing and future operations.
- (4) Provide a statement on how radiation protection personnel and the workforce will be trained.

AMCSF-P

SUBJECT: NRC/Army/DLA Meeting

(5) Provide a statement assuring DLA compliance to Title 10, Code of Federal Regulations, the commitments and conditions of the license.

(6) Provide a statement on the proposed timeframe for DLA to obtain its own NRC licenses (probably 3 years minimum to obtain people and capability).

d. The responsibilities must be clearly worded in the MOU so that NRC can determine who will be fined in the event of noncompliance--DLA officials or AMC officials.

e. Management of licensed radioactive commodities cannot transfer to DLA until DLA has its own NRC license authorizing DLA to manage the items.

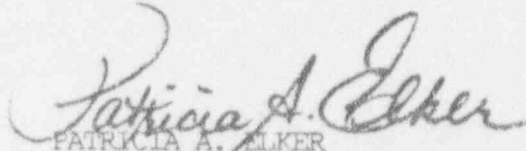
4. ACTIONS:

a. Mr. Tull indicated he would provide HQ NRC an LATP/DLA MOU by 15 Jun 90.

b. AMCSF will request the AMC commodity commands prepare a common Army/DLA MOU to quickly cover DLA take over depots. This will require a representative from each MSC to meet at HQ AMC to prepare a standard MOU. This is only an interim fix until DLA can get qualified radiation safety people and programs to take over the new responsibilities. The MOU will be signed by DIR DLA and CDR AMC and must be sent to NRC HQ and Regional Offices by 15 June 1990.

c. HQ NRC requests all information be submitted to the HQ and appropriate regional office. HQ NRC will notify regional offices to assist Army in amending licenses expeditiously.

3 Encls


PATRICIA A. ELKER
Chief, Health Physics,
Safety Office

MEETING JUNE 5, 1990 ARMY, NRC, DLA

<u>NAME</u>	<u>ORG'N</u>	<u>PHONE NO.</u>
Lynn Silvious	NRC/SECURITY	492-0214
GEORGE SEE	LIND Army Tank Plant	419-227-0029
LTC LARRY CHRISLO	USA TANK-AUTOMOTIVE (Command)	(313) 574-7163
FATRICIA ELKER	AMC/AMCSF	(703) 274-5476
DARWIN JARAS	AMC/AMCSF	" 274-9475
Robert L. Fanner	NRC/OFC	(301) 492-1643
Gail Mason	DLA/OGC	(202) 274-6162
Karen Moran	DLA / WH	(202) 274-6027
CDR T.O. Munson	DLA/LL	(202) 274-6677
JOHN FRICK	DLA-OWP	(202) 274-7541
PATRICIA VACCA	NRC - Medical, Academic & Commercial Use Safety Branch	(301) 492-0615
JOHN E. GLENN	"	(301) 492-3418
Barbara Jiley	AMC / AMCPP	(202) 274-8269
GARY A. TULL	AMCPP	- 8167
David FLUKE	AMCMP	- 8155
Robert Nienkemp	AMCAE-P (AMC)	(202) 274-9116
FRANCIS TONER	AMC-AMCSM-MTI	(202) 274-8710
Bob Lingo	AMCCS-S	274-8003

SUBJECT: Proposed Reorganized Defense Structure May Impact
Licensed Management, Control, & Radiation Safety

1. PROBLEMS. Without written NRC permission Defense Management initiatives include:

a. Transferring some NRC licensed Army installations and functions to DLA. It is believed that DLA managed activities are not covered by the Army licenses as no coordinated DLA/DA input was submitted to obtain those licenses nor were any DLA agreements to comply with the procedures and license conditions included in the license request.

(1) Sharpe Army Depot is scheduled to transfer 1 July 90 followed by others.

(2) Sacramento Army Depot is to close down after transfer to DLA. Some property contamination may be involved at some of the installations to be transferred.

b. Total management of 1100 kinds of radioactive items, some of which may be licensed, are scheduled to transfer to DLA.

c. Some of the Army organizations to whom licenses may be merged or discontinued. TROSCOM to whom a license was issued authorizing interservice use of the tritium lensatic compass is scheduled for phase out about 1 October. No actions have been taken to have some other organization get a license to pick up that responsibility.

d. A third type of problem exists because a license issued to TACOM covers Army use of tanks containing a depleted uranium armor and also covers a contractor doing the insertion at the LIMA and DETROIT Arsenals which are also scheduled to transfer in 1 July.

e. Planning affecting control, management, or radiation safety associated with other licensed activities is unknown except by the planning groups.

2. BACKGROUND

a. Leadership & planning groups in some cases considered an NRC license to be similar to a property deed or an automobile registration or in other cases incorrectly assumed all licensed aspects would remain the same.

b. Close hold on planning withheld information from those who might have known.

c. Because the tank armor was highly classified the Army's classified license covered General Dynamics (LIMA and DETROIT ARSENAL). When a declassified license was obtained, the contractor knowing that tank production would be curtailed refused to get its own license claiming that its contract did not require it to do so.

e. Inability of HQ AMC Safety to get on the information notice distribution contributed to the dilemma. Had we known about

INFORMATION NOTICE 89-25, we would have provided a copy to the planning groups.

3. SOME ALTERNATIVES FOR COMPLIANCE

a. Generically

(1) Let everything transfer on schedule except the licensed materials or operating facilities until written NRC is obtained.

(2) NRC provide some sort of relief.

b. For supply installations such as depots.

(1) DLA obtain its own license. If DLA used contractor (private or other government agency to help prepare the license request and to provide radiation safety oversight), DLA might need anywhere from 6 months to 1 year to obtain a license. If DLA had to obtain its own resources, as much as two years would be needed.

(2) NRC amend existing Army licenses to cover DLA managed operating activities. A jointly signed Army/DLA written commitment on compliance, inspection, oversight would be submitted for NRC approval.

c. For commodity management, no licensed items transfer for DLA management until DLA obtains an NRC license.

d. For Lima and Detroit, withhold transfer of the licensed operations until DLA or the contractor obtain a license. Contractor if paid sufficiently could obtain a license in about 4 to 6 months.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

March 7, 1989

NRC INFORMATION NOTICE NO. 89-25: UNAUTHORIZED TRANSFER OF OWNERSHIP OR
CONTROL OF LICENSED ACTIVITIES

Addressees:

All U.S. Nuclear Regulatory Commission (NRC) source, byproduct, and special nuclear material licensees.

Purpose:

This notice is to inform licensees of their responsibility to provide timely notification to NRC before the planned transfer of ownership or control of licensed activities, and to obtain prior written consent to such action from NRC, as specified in 10 CFR Sections 30.34(b), 40.46, and 70.36. In addition, this notice provides guidance on the type of information that should be submitted to NRC, before a change of ownership or control. It is expected that recipients will: review this notice for applicability to their licensed activities; distribute it to responsible licensee management and corporate staff, radiation protection staff, and authorized users, as appropriate; and maintain procedures to preclude problems from occurring as the result of the transfer of control of licensed activities. However, suggestions contained in this notice do not constitute any new NRC requirements, and no written response is required.

Discussion:

Sections 81 and 184 of the Atomic Energy Act of 1954, as amended, require that a license be possessed to conduct licensed activities, and 10 CFR Section 30.34(b) states that no NRC license nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing. Similar wording is found in Sections 40.46 and 70.36 of the regulations for source and special nuclear material.

Recently, NRC has noticed an increasing trend to transfer ownership of businesses that control the use of licensed materials. Such changes in ownership are usually the results of mergers, buy-outs, or majority stock transfers. These actions appear to be occurring at a greater frequency because of the present economic environment. Although it is not the intent

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of NRC to interfere with the business decisions of licensees, it is necessary for licensees to provide timely notification to NRC whenever such decisions could involve changes in the corporate structure responsible for management oversight, control, or radiological safety of licensed materials. The purpose of such notification is to allow NRC to assure that: radioactive materials are possessed, used, owned, or controlled only by persons who have valid NRC licenses; materials are properly handled and secured; persons using such materials are capable, competent, and committed to implement appropriate radiological controls; and public health and safety are not compromised by the use of such materials.

In 1988, NRC identified several instances of businesses authorized to possess and use licensed materials that were transferred to other owners, with a consequent change in control, without any notification to the NRC. In such cases, NRC has usually become aware of the change either when conducting a routine inspection or when notified by the new controlling organization (transferee).

Transfer of company ownership often results in the assumption of licensed activities by a corporation not authorized to use or possess licensed materials, and whose competence and ability to establish, implement, and maintain radiological controls have not been previously evaluated by NRC. In such cases, NRC usually determines that the transferee violated NRC requirements on use and possession of radioactive materials (because of its unauthorized use and possession), and that the predecessor entity (transferor) failed to inform NRC of the planned transfer of ownership.

In specific cases, licensees have failed to inform NRC of changes in ownership and changes in locations of licensed material from those specified on the transferor's licenses. In one particular case, failure to notify NRC of a change in ownership may have contributed to the inadvertent loss of two nuclear weighing scales, containing several hundred millicuries of cesium-137. This type of situation could result in the exposure or contamination of individuals or the environment.

NRC licensees planning to transfer ownership, a change in corporate status, or control of licensed activities are required by 10 CFR to provide sufficient prior notice and full information about the change to NRC, in order to obtain written consent from the Commission before the transfer. Although the burden of adhering to this requirement is on the existing licensee, it will be necessary for the transferee to provide supporting information or to independently coordinate the change in ownership or control with the appropriate NRC Regional Office. Failure to comply with this requirement may adversely affect the public health and safety and interfere with NRC's ability to inspect activities. Therefore, NRC may consider that a violation of this requirement warrants escalated enforcement action, including civil penalties and orders, if indicated by the circumstances against one or both of the parties involved. Willful failure to obtain prior NRC approval of the transfer may result in referrals to the Department of Justice for consideration of criminal prosecution.

The following guidance is provided concerning notification of NRC of ownership or control changes:

1. Full information on change in ownership or control of licensed activities should be submitted to the appropriate NRC Regional Office as early as possible, preferably at least 90 days before the proposed action.
2. NRC approvals for change in ownership or control may be delayed or denied if the following information, where relevant, is not included in the submittal:
 - a. The name of the organization, if changed. Provide the new name of the licensed organization and if there is no change, so state.
 - b. Identification of any changes in personnel named in the license, including any required information on personnel qualifications.
 - c. An indication of whether the seller will remain in business without the license.
 - d. A complete, clear description of the transaction. The description should include any transfer of stocks or assets.
 - e. An indication of any planned changes in organization, location, facilities, equipment, procedures, or personnel. If such changes are to be made, they should be fully described.
 - f. An indication of any changes in the use, possession, or storage of the licensed materials. If such changes are to be made, they should be described.
 - g. An indication of whether all surveillance items and records, including radioactive material inventory and accountability requirements, will be current at the time of transfer. A description of the status of all surveillance requirements and records, e.g., calibrations, leak tests, surveys, etc. should be provided.
 - h. A description of the status of the facility. Specifically, the presence or absence of contamination should be documented. If contamination is present, will decontamination occur before transfer? If not, does the successor company agree to assume full liability for the decontamination of the facility or site?
 - i. A description of any decontamination plans, including financial assurance arrangements of the transferee, should be provided.

as specified in 10 CFR Sections 30.35, 40.36, and 70.25. This should include information about how the transferee and transferor propose to divide the transferor's assets, and responsibility for any cleanup needed at the time of transfer.

- j. An indication of whether the transferor and transferee agree to the change in ownership or control of the licensed material and activity. If so, documentation stating this should be provided.
- k. A commitment by the transferee to abide by all constraints, conditions, requirements, representations, and commitments identified in the existing license. If not, the transferee must provide a description of its program to assure compliance with the license and regulations.

No specific action or written response is required by this information notice. Questions on this matter should be directed to the appropriate NRC Regional Office or to this office.

Richard E. Cunningham

Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material
Safety and Safeguards

Technical Contact: Scott Moore, NMSS
(301) 492-0514

Attachments: 1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

APR 19 1993

RECEIVED
NRC
REGION V

MEMORANDUM FOR: Those on Attached List

1773 APR 23 PM 12:20

FROM: John E. Glenn, Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: APPLICATIONS FOR A NEW TYPE A SPECIFIC LICENSE OF BROAD
SCOPE FROM THE DEFENSE LOGISTICS AGENCY

As some of you are aware, the Department of Defense is going through a reorganization in order to streamline its operations. We have received a Technical Assistance Request (TAR) from Region V regarding an application for a new Type A Specific License of Broad Scope from Defense Distribution Region West of the Defense Logistics Agency (DLA). It is our understanding that DLA plans to submit a separate license application for their Defense Distribution Region East. I would like to ensure that all responses provided to DLA reflect a single agency position. Therefore, please refer all DLA applications to me for guidance. Since we currently expect two DLA applications, we will coordinate with DLA Headquarters on resolution of those issues applicable to all DLA applications and keep you informed accordingly.

Our preliminary review of DLA's application, along with the review by Region V, has identified a number of issues. It appears that although the radiation protection responsibility for the radioactive materials will be transferred to the DLA from the Army, Navy, and Air Force. DLA does not have the necessary licensing and radiation protection experience. This lack of experience is reflected in DLA's license application. Also, NRC's licensing policy has been not to issue a Type A Specific License of Broad Scope unless the applicant has had prior experience operating safely under a more restrictive NRC specific license. DLA does not have this experience. However, a specific license may meet DLA's needs.

The contact person on my staff for this TAR is Joseph Wang who can be reached at (301) 504-2611.

John E. Glenn, Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosure:
TAR dtd 1/15/93
RE DLA fm RV

DISTRIBUTION PARTIAL RESPONSE IMAB1216
NMSS R/F NRC FILE CNTR RECUNNINGHAM
IMNS CNTL FILE JMONTGOMERY, RV CPAPERIELLO

OFC	IMAB	E	IMAB	IMAB	IMOB	E				
NAME	JWang		JTelford	JGlenn	FCombs					
DATE	04/13/93		04/13/93	04/15/93	04/15/93					

C=COPY E=COVER/ENCLOSURE N=NO COPY OFFICIAL RECORD COPY g:\dlaregs

MEMORANDUM FOR: Those on Attached List

Dated: APR 19 1993

SUBJECT: APPLICATION FR A NEW TYPE A SPECIFIC LICENSE OF BROAD SCOPE FROM THE
DEFENSE LOGISTICS AGENCY

Ronald R. Bellamy, Chief
Nuclear Materials Safety Branch, RI

Douglas M. Collins, Chief
Nuclear Materials Safety and Safeguards Branch, RII

Roy J. Caniano, Chief
Nuclear Materials Safety and Safeguards Branch, RIII

L. J. Callan, Director
Division of Radiation Safety and Safeguards, RIV

Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch, RV

MEMORANDUM FOR: Those on Attached List

Dated: APR 19 1993

SUBJECT: APPLICATION FOR A NEW TYPE A SPECIFIC LICENSE OF BROAD SCOPE FROM THE
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Radioactive Materials Safety Branch, RV



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

APR 19 1993

MEMORANDUM FOR: Those on Attached List

FROM: John E. Glenn, Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: APPLICATIONS FOR A NEW TYPE A SPECIFIC LICENSE OF BROAD
SCOPE FROM THE DEFENSE LOGISTICS AGENCY

As some of you are aware, the Department of Defense is going through a reorganization in order to streamline its operations. We have received a Technical Assistance Request (TAR) from Region V regarding an application for a new Type A Specific License of Broad Scope from Defense Distribution Region West of the Defense Logistics Agency (DLA). It is our understanding that DLA plans to submit a separate license application for their Defense Distribution Region East. I would like to ensure that all responses provided to DLA reflect a single agency position. Therefore, please refer all DLA applications to me for guidance. Since we currently expect two DLA applications, we will coordinate with DLA Headquarters on resolution of those issues applicable to all DLA applications and keep you informed accordingly.

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The contact person on my staff for this TAR is Joseph Wang who can be reached at (301) 504-2611.

A handwritten signature in cursive script that reads "John E. Glenn".

John E. Glenn, Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosure:
TAR dtd 1/15/93 fm RV



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V

1450 MARIA LANE
WALNUT CREEK, CALIFORNIA 94596-5368

JAN 15 1993

MEMORANDUM FOR: John E. Glenn, Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety

FROM: Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch

SUBJECT: TECHNICAL ASSISTANCE REQUEST; DEFENSE LOGISTICS AGENCY

The enclosed license application was received on December 28, 1992. The applicant has requested a Type A Broad-scope license for their western distribution region. We have reviewed their application and have drafted the enclosed deficiency letter. We do not know whether they plan to add other distribution regions to this application, or if they plan to submit applications to other NRC offices in the future. This was discussed during the conference call on January 12, 1993. We would appreciate your input on the draft deficiency letter. Please inform us of any items you would add to the letter or any changes you believe would be appropriate.

A handwritten signature in cursive script that reads "G. P. Yuhas".

Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch

Enclosures: Request for Technical Assistance
Control No. 571737

DATE: 1/15/93

TO: John E. Glenn, Chief, Medical, Academic, and Commercial Use Safety Branch, NMSS

FROM: Gregory P. Yuhas, Chief, ^{Radioactive} Nuclear Materials and Fuel Safety Fabrication Branch, DRSS, Region V

LICENSEE: Defense Logistics Agency

Docket LICENSE NO.: 030 - 33039

Control No. 571737 (enclosed)

Letter dated _____ (enclosed)

Suggested change in licensing procedure (enclosed)

Other (see remarks)

Problem/Issue: An applicant requested a Type A Breast-scope license. We have numerous concerns about their request and would appreciate your comments.

Action Required: Review + suggest additions or changes to the deficiency letter.

Alternatives Considered: Require more detailed information from the applicant.

Recommended Alternative: _____

Remarks: A draft deficiency letter is enclosed.

Regional Reviewer: Beth Prange

Reviewer Code: W1

Reviewer Phone No.: (510) 975-0250



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V

1450 MARIA LANE
WALNUT CREEK, CALIFORNIA 94596-5368

Docket No.: 030-33039
Control No.: 571737

Defense Logistics Agency
Defense Distribution Region West
P.O. Box 960001
Stockton, California 95296-0002

Attention: Colonel James W. LaBounty,
Commander

This is in reference to your application dated August 27, 1992 for a byproduct material license. In order to complete our review, we need to resolve the following concerns:

1. In your application, you requested a Type A broad-scope license; however, 10 CFR 33.13(b) specifies that an applicant for such a license should have engaged in a reasonable number of activities involving the use of byproduct material. As the Defense Logistics Agency, Defense Distribution Region West, has not held an NRC license, this criteria does not appear to have been satisfied.
2. As the Radiation Control Committee (RCC) will include the Commander, the Radiation Protection Officer (RPO), the Safety Manager, the Staff Medical Officer, the Legal Counsel, representatives from each depot facility as necessary, and other individuals as necessary, it is not clear that persons participating in the RCC, other than the RPO, are trained and experienced in the safe use of radioactive materials, as is required by 10 CFR 33.13(c).
3. Although the designated RPO has completed a number of radiation safety classes and has had some experience with tritium and with millicurie amounts of some radioactive materials, it is not clear that she has had training in the "demilitarization" of the various commodities which you may possess under this license. Further, the commodities are not described at all, and the application refers the RPO to the cognizant Department of Defense (DoD) Item Managers for instructions concerning demilitarization. However, they are not identified by name or by a contact listing. This is important, since the RPO will be responsible for all demilitarization operations under the license. It should be noted that the application defines demilitarization as removal of the radioactive component in its intact matrix. Therefore, it is not clear that the RPO would be able to provide advice and assistance on radiological matters that could result under normal circumstances involved with this license, as required by 10 CFR 33.12(c)(2).

4. Similarly, the Local RPOs will need training and experience in demilitarization of those commodities possessed at their respective depot facilities in addition to the 80 hours of classroom training in radiological protection which was described in Supplement 8.1 of the application.
5. It is not clear how the License Manager will relate to the RPO. How will their responsibilities be divided?
6. Due to the Decommissioning Rule, which is described in 10 CFR 30.35, 40.36, and 70.25, license possession limits must be specified, or a facility-by-facility decommissioning funding plan must be established for this license. Appendix F of Regulatory Guide 3.66, copy enclosed, and Regulatory Guide 3.65, also enclosed, provide guidance on this issue. When determining the total amount of funding necessary, the amounts required for byproduct, source, and special nuclear material must be determined separately and added together.
7. Your application makes reference to the new 10 CFR 20 which becomes fully effective on January 1, 1994. If you intend to use this version of Part 20, you should so state. Also, you should send a written notification to the Director of the Office of Nuclear Materials Safety and Safeguards as described in 10 CFR 20.1008 if your license is issued prior to the implementation date.
8. Your facility description did not specifically indicate whether licensed materials will be stored in indoor facilities which are protected from the elements. It also did not address fire protection considerations or whether the storage of chemicals or explosives would be excluded from the areas. You should specifically address these issues.
9. Your instrument description did not specify the ranges of the alpha and beta-gamma instruments which will be used at your facilities. It also did not clearly state that each depot where licensed materials are stored will have at least one calibrated alpha survey instrument and one calibrated beta-gamma survey instrument. You should provide this information. Also, specify that these instruments will be calibrated with standard radioactive sources traceable to the National Institute of Standards and Technology. Supply a model procedure which will be followed by each of your instrument-calibration contractors. A sample procedure from Regulatory Guide 10.8, Revision 2 is enclosed for reference.
10. Supplement 10.1 of your application should be amended to specify that NRC will be notified, in the form of an amendment request, of any proposed change to the radiation safety program other than those made to comply with recently implemented regulations. You should also specify that changes which are made to comply with revisions to regulations will be described to the NRC the next time a license amendment is needed for some other reason.

11. Although Item c on page 12 of your Radiation Protection Program, DDRWM 6055.2 indicates that the air monitors for tritium concentrations would be set at $5E-6$ microcuries per cubic centimeter, this does not appear to be possible. Item g. of Supplement 10.1, "Surveys" of the application indicates that the monitors will be set at $2E-5$ microcuries per milliliter, which is the Derived Air Concentration in the new Part 20 and appears to be twice the minimum detectable activity (MDA) of the instrument. The procedure for calibrating the unit indicates an MDA of $1E-5$ microcurie per milliliter. Please amend and resubmit your procedures, as appropriate.
12. The Triton 955B calibration procedure does not appear to be complete, as it does not include expected measurement values for the aliquot of gas from the CL-1 calibrator. Also, it does not instruct the person conducting the calibration to vent the exhausted gas to a fume hood. Personnel calibrating this unit should have received hands-on training in operating and calibrating the unit from the device manufacturer. You should amend your procedures, as appropriate.
13. We do not believe that the assumption that only ten percent of the tritium released in an accident involving tritium gas is appropriate, since tritium is converted to a water form after skin absorption. However, the assumption that a person is in the area for 20 minutes also does not appear to be appropriate, since your emergency procedures instruct personnel to immediately evacuate an area where a gas has been spilled. You should consider amending and resubmitting Supplement 14 to your application.
14. Also, you should submit the calculations performed to support the hazard assessment for a fire involving breakage of tritium gas sources and refer to the pages, title, and date of the references which you used.
15. Supplement 11.1 of your application should be removed and replaced with a description of routine, peace-time disposal of licensed materials. We cannot approve of the war-time disposal methods described in your procedures.
16. Item G. of DDRWM should also be amended and resubmitted. 10 CFR 19.14 and 19.15 specify that inspectors may consult privately with workers to the extent deemed necessary to conduct an effective and thorough inspection.
17. It should be noted that, although page 18 of the DDRWM 6055.2 document refers to the use of x-ray equipment, the possession and use of such equipment will not be covered by this license, as it does not involve the use of licensed materials.

We will continue the review of your request for a byproduct material license upon receipt of this information. If we do not receive a reply from you within 30 days from the date of this letter, we shall assume that you do not wish to pursue your application. Please reply in duplicate, and refer to Mail Control No. 571737.

Sincerely,

Beth A. Prange
Sr. Health Physicist (Licensing)
Radioactive Materials Safety Branch

Enclosures:

Regulatory Guides 3.65 and 3.66
Appendix B and Exhibit 7 from Regulatory Guide 10.8, Revision 2

cc: MAJ Michael Coogan
Defense Logistics Agency
ATTN: DLA-WH
Cameron Station
Alexandria, Virginia 22304

Distribution

bcc w/original concurrence, copy of license and original correspondence:
License docket folder

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JAN 15 1993

MEMORANDUM FOR: John E. Glenn, Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety

FROM: Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch

SUBJECT: TECHNICAL ASSISTANCE REQUEST; DEFENSE LOGISTICS AGENCY

The enclosed license application was received on December 28, 1992. The applicant has requested a Type A Broad-scope license for their western distribution region. We have reviewed their application and have drafted the enclosed deficiency letter. We do not know whether they plan to add other distribution regions to this application, or if they plan to submit applications to other NRC offices in the future. This was discussed during the conference call on January 12, 1993. We would appreciate your input on the draft deficiency letter. Please inform us of any items you would add to the letter or any changes you believe would be appropriate.

~~original signed by~~

Gregory P. Yuhas, Chief
Radioactive Materials Safety Branch

Enclosures: Request for Technical Assistance
Control No. 571737

RV/bp
cc w/Encls: Docket File
Inspection File

bcc w/o enclosures: M. Smith
Central Files

Request Copy	Request Copy	SEND TO PDR/DCS
YES/NO	YES/NO	YES/NO
BP	GY	
BPrange	GYuhas	
1/14/93	1/15/93	

DATE: 1/15/93

TO: John E. Glenn, Chief, Medical, Academic, and Commercial Use Safety Branch, NMSS

FROM: Gregory P. Yuhas, Chief, ^{Radioactive} Nuclear Materials and Fuel Safety Fabrication Branch, DRSS, Region V

LICENSEE: Defense Logistics Agency

Docket LICENSE NO.: 030 - 33039

Control No. 571737 (enclosed)

Letter dated _____ (enclosed)

Suggested change in licensing procedure (enclosed)

Other (see remarks)

Problem/Issue: An applicant requested a Type A Broad-scope license. We have numerous concerns about their request and would appreciate your comments.

Action Required: Review + suggest additions or changes to the deficiency letter.

Alternatives Considered: Require more detailed information from the applicant.

Recommended Alternative: _____

Remarks: A draft deficiency letter is enclosed.

Regional Reviewer: Beth Prange
Reviewer Code: WJ
Reviewer Phone No.: (510) 975-0250

$$.3 \times 10^6 \mu\text{Ci} = 3 \times 10^5 \mu\text{Ci}$$

^3H tritiated water \rightarrow in 30Ci of tritium(?)

20 l/min. breathed by std. man

ALI for H-3 inhalation is $8 \times 10^4 \mu\text{Ci}$

$$\text{DAC} \times \left(\frac{\text{ml}}{\text{air/yr}} \right) = \text{ALI}$$

20 min exposure time

Dispersed in spherical vol. of 10ft ^{radius}

$$V = \frac{4}{3} \pi r^3$$

$$\frac{4}{3} \pi (10\text{ft})^3$$

How many cubic ft per liter? 28.32

$$V = \frac{4}{3} \pi (10\text{ft})^3 \times 28.32 \frac{\text{liter}}{\text{ft}^3} = 118566.4 \text{ liter}$$

$$\frac{3 \times 10^5 \mu\text{Ci}}{1.18 \times 10^5 \text{ liter}} = 2.53 \frac{\mu\text{Ci}}{\text{liter}} \quad \text{ok}$$

20 min exposure

$10^5 \mu\text{Ci}$ inhaled for whole cont.

$$2.5 \mu\text{Ci/liter} \times 20 \frac{\text{liter}}{\text{min}} \times 20 \text{ min} = 1000 \mu\text{Ci inhaled}$$

$$\frac{1000 \mu\text{Ci}}{8 \times 10^4 \mu\text{Ci/yr}} = .0125$$

$$\frac{10^5}{8 \times 10^4} = 1.25 \text{ ALI's}$$

Local RPOs need ~~being~~ experience
for operations they will supervise in addition to
the 80 hrs of formal training

Facilities - indoors?
Fire protection?
Chemical or explosive stored in area?
(NBS Handbook 92?)

Instrumentation - Specify range of α, β, γ survey meters
Commit to having instruments at
each depot where licensed materials
are stored.

Supp. 10.10 NRC should be notified of any changes
made to procedures (other than those made
to conform with reg)

Supp. 10.1 "Survey" then g. -
~~through~~ air monitors for H-3

X-ray equip ^{will} not be included in this license
p. 18 of Radiation Protection Program
the
DDRWM 6055.2

NEPA exemption?

Must specify processor limit

Give minimum training (criteria for LRPD and
alternate LRPD - see bottom of supp. 8.1
John formal training in rad. protection
Decide how license manager + RPO will relate to each
other.

IS Remove OTHrage at Tracy facility? May not want to
list downlisting record keeper in license app
What's a conrex? Supplement 9.1?

Rdi + contact list for cognizant DoD Services Item
Managers?

Supplement 10.2 references 20.1001. Will they use
new Pt. 20? Requires ~~written~~ written notice to
HQRS -
DLAR 100028 - March 15, 1982? Most recent version?
Supp. 10.4. 19.14

NRC inspectors always accompanied by RPO or alt?
Remove references to smelting or buying sources
in wartime - Supp. 11.1 - delete

Clark H-3 bought as a component.
What kind of commodities are we dealing with?
The Calhoun of H-3 units