



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

March 4, 2021

Brad Bellis, Deputy Director  
Current Operations J3  
Defense Logistics Agency  
Current Operations, DLA Distribution  
430 Mifflin Avenue, Suite 3150  
New Cumberland, PA 17070-5008

**SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY  
COMMISSION REGULATION, TITLE 10 CODE OF FEDERAL REGULATIONS  
30.34, MAIL CONTROL NO. 624639**

Dear Mr. Bellis:

By letter dated February 6, 2021, (ML21050A218), Defense Logistics Agency (DLA) requested an extension to exemptions from Title 10 of the *Code of Federal Regulations* (10 CFR) 30.34, and License Condition 20.A (Audits).

In its request, DLA stated that "Travel restrictions that required us to request the initial exemption are still in place and have limited our ability to schedule the onsite visits." There are four sites that are scheduled for inspection in CY2020 and those sites will be added to the list of sites to be inspected in CY2021.

The exemption provision in 10 CFR 30.11(a) states:

The Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of the regulations in this part and parts 31 through 36 and 39 of this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The license conditions from which the licensee requested exemption were imposed upon the licensee per 10 CFR 30.34(e). The regulation in 10 CFR 30.34(c) requires that the licensee confine its use of the byproduct material to the locations and purposes authorized in the license. Therefore, exemptions to the requirement in 10 CFR 30.34(c) to comply with the terms of a license may be granted pursuant to 10 CFR 30.11.

The NRC staff reviewed the request in accordance with 10 CFR 30.11(a) and finds that the criteria contained therein are met. The regulation from which the licensee is requesting exemption authorizes the license conditions for which the licensee requires relief.

The license condition from which the licensee is requesting exemption is:

- License Condition 20.A, which requires the licensee to conduct on onsite visits and perform audits at least once every three years at DCs authorized to possess NRC Licensed materials.

The regulation in 10 CFR 30.11(a) authorizes granting of exemptions specific to Part 30. The NRC staff has determined that the granting of the requested exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. The NRC staff, therefore, finds that the granting of the requested exemption is authorized by law.

The NRC staff has also determined that

- The extension of the audit does not constitute a significant increase in risk to public health and safety, because the licensee has Radiation Protection Office staff monitoring the day to day operations and performing quarterly program elements with documented audits briefed to the Radiation Control Committee and submitted to the Radiation Safety Office for review.

The NRC also notes that, absent the requested exemption, the licensee may be required to take actions that may be contrary to guidance on preventing the spread of the virus that causes COVID-19. Therefore, the NRC staff finds that the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest.

Based on the findings above, the NRC grants the following exemption for the specified period of time:

From the date of issuance of this letter for a period of 90 days, the licensee is exempt from the requirement in License Condition 20.A, to perform an onsite audit. The licensee shall perform the required audit within 30 days following the expiration of this exemption.

An environmental assessment for this action is not required, because this action is categorically excluded under 10 CFR 51.22(c)(25)(vi)(C). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

B. Bellis

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If you have questions, please contact Juan Ayala at [Juan.Ayala@nrc.gov](mailto:Juan.Ayala@nrc.gov) or 610-337-6927.

Sincerely,

Christopher Cahill, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

License No. 37-30062-01  
Docket No. 03033261  
Mail Control No. 624639

cc: David M. Collins, Radiation Safety Officer

TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY COMMISSION  
REGULATION, TITLE 10 CODE OF FEDERAL REGULATIONS 30.34, MAIL CONTROL NO.  
624639 DATED MARCH 4, 2021.

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SUNSI Review Complete: JAyala

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