



DEFENSE LOGISTICS AGENCY
DISTRIBUTION
430 MIFFLIN AVENUE
NEW CUMBERLAND, PENNSYLVANIA 17070-5004

DLA DISTRIBUTION J3

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-001

Docket No. 030-33261
License No. 37-30062-01

SUBJECT: Response to Notice of Violations in NRC Inspection Report No. 030-33261/2019-002

Dear Sir/Ma'am,

I have received notification that the NRC has reopened our 2019 Inspection and have issued a Notice of Violation in response to issues identified during the inspection at our Distribution Center (DC) at Tinker Air Force Base, Oklahoma. The following information is submitted for consideration:

1. In reference to the first violation, which identified that DLA Distribution failed to verify that the transferee was authorized to possess the type, form, and quantity of radioactive material, we acknowledge that the methods described in 10 CFR 30.41(c) were not used to verify authorization to receive the material prior to transfer. However, the process followed by the DC was not outside of our established procedures for the transfer of materiel based on our understanding of the scope and intent of our license conditions identified in our application for renewal in 2004 and again in 2018, both of which were approved by the NRC. Specifically, that for DoD Activities, it is the owning service's responsibility to verify that the requesting activity is authorized to requisition and possess the requested material.

a. Going forward, our Radiation Safety Officer has contacted the US Air Force and US Navy and identified points of contact to verify authorization through their respective Master Material Licensing Permits prior to fulfilling future requisitions. Currently, the NRC licensed materials processed for the US Army are authorized under multiple licenses, each authorizing possession by DoD activities without further permitting (See Table Below). The Army licenses will be maintained and used as authorization to transfer materiel to the requesting DoD Activity. DLA Distribution will continue to validate authorizations for requisitions identifying a non-DoD entity as the transferee.

US Army License Authorized Use

NRC License	Authorized Use
21-32838-01	Licensed material listed in Subitem Nos. 6.A. and 6.C. through 6.F. may be used or stored at the licensee's facilities located at U.S. Army, Army Reserves, National Guard and Marine Corps installations and may be used at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States.
SUB-1536	Licensed material may be used or stored at facilities approved by the Radiation Safety Officer located at U.S. Department of Defense (DOD) installations and DOD contractor facilities and operations, excluding General Dynamics and its subcontractors.

19-31447-01	Licensed material may be used or stored only at the licensee's facilities located at Aberdeen Proving Ground, Maryland; Department of Defense installations anywhere in the United States; at temporary job sites of the licensee anywhere in the United States.
01-00126-22	Licensed material may be used or stored at any Department of the Defense site located in the United States and at temporary job sites of the licensee anywhere in the United States.
STB-1579	Licensed material may be used or stored only at the licensee's facilities located at Department of Defense (DoD) sites anywhere in the United States.

2. In reference to the second violation, DLA Distribution acknowledges that the Astroinertial Instrument was offered for transport without regard to its radioactivity, a contradiction of Title 49, Code of Federal Regulations.

a. DLA Distribution Employees prepare commodities for transport based on a Type Cargo Code (TCC), assigned by the owning service. The TCC will determine any special requirements for transportation. The TCC for this item should have been loaded in file by the Item Manager as a "4" to indicate that the material must be shipped as a Radioactive Material Excepted Package. At the time of shipment (and inspection), the TCC assigned to this item by the Item Manager was a "3" which designated the item has having Electrostatic Discharge characteristics. The material was therefore processed for shipment in accordance with the assigned TCC of "3".

b. After the inspection and identification of the incorrect TCC, our Radiation Safety Office (RSO) submitted a change request to the Item Manager which was approved on December 10, 2019 to update the TCC to "4".

c. A contributing factor to this violation was the fact that the storage warehouse failed to label the item with a "Caution – Radioactive Material" label prior to its transfer from the radiological storage area to the shipping department. Placement of that label would have triggered further investigation by the shipping department who would have identified the item as containing a radioactive component, thus requiring the shippers to challenge the TCC. Training on labeling requirement was conducted by the local Radiation Protection Officer (RPO) and reinforced during the July 2021 Triennial Radiation Program review conducted by the RSO. The local RPO also includes this training as a point of emphasis periodically while conducting his area radiation surveys.

If you have any questions or concerns regarding this notification please contact Mr. David Collins, Distribution Radiation Safety Officer, who can be reached at (717) 770-5623 or David.M.Collins@dla.mil.

Sincerely,

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BRAD A. BELLIS
Director, Current Operations J3
DLA Distribution