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NAVAL SEA SYSTEMS COMMAND DETACHMENT
RADIOLOGICAL AFFAIRS SUPPORT OFFICE (RASO)
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29 June 2005

From: Officer in Charge, Naval Sea Systems Command Detachment,
Radiological Affairs Support Office (RASO)
To: Commanding General, Marine Corps Logistics Command, Albany
Subj: RADIOLOGICAL AFFAIRS SUPPORT PROGRAM (RASP) INSPECTION OF
MARINE CORPS LOGISTICS BASES, ALBANY ON 24-28 JANUARY 2005
Ref: (a) NRSC ltr 5104 Ser N455C/N45U9011243 of 4 Mar 05
(b) CG MARCORLOGCOM ltr 5104 L14 of 6 Apr 05
(c) NRSC ltr 5104 Ser N455C/N45U9011340 of 20 May 05
(d) CG MARCORLOGCOM ltr 5104 L14 of 17 May 05
(e) NRSC ltr 5104 Ser N455C/N5U9011357 of 9 Jun 05
Encl: (1) Comments on the MARCORLOGCOM Albany Response to
Findings of the RASP Inspection of Naval Radioactive
Materials Permit (NRMP) No. 10-67004-T1NP Conducted
24-28 January 2005

1. On 24-28 January 2005, the Naval Sea Systems Command Detachment, Radiological Affairs Support Office (NAVSEADET RASO) conducted the subject inspection of radioactive commodities operations authorized by Naval Radioactive Materials Permit (NRMP) No. 10-67004-T1NP. Reference (a), a formal report of the inspection was issued by the Chairman of the Naval Radiation Safety Committee (Chief of Naval Operations (N455)). Reference (a) assigned an unsatisfactory rating, required four immediate corrective actions, and required a formal command response to all cited findings within 30 days of the date of the letter with progress responses required every 30 days until all findings were adequately corrected. Reference (b) provided your initial response to these findings. Reference (c) provided the results of the review of reference (b), which found the responses to be inadequate.

2. Reference (d), your 30-day update to reference (a), has been reviewed and found to be inadequate and incomplete. Enclosure (1) provides specific deficiencies for each response. Of great concern is that none of the immediate actions required by reference (a) were addressed in reference (d). In addition, most of the responses do not identify the root causes for the findings, which is a Nuclear Regulatory Commission requirement.

NMSS/RGNI MATERIALS-004

Subj: RADIOLOGICAL AFFAIRS SUPPORT PROGRAM (RASP) INSPECTION OF
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As a result, the proposed short and long term corrective actions do not relate to resolution of the root causes. In cases where the root cause is identified, the corrective actions do not address the root cause of the findings.

3. In an effort to assist you in the identification of the root causes associated with the findings, the NRSC arranged for your command personnel to received training on root cause analysis from Norfolk Naval Shipyard. Future progress reports in response to reference (a) should include corrective actions based on root cause analysis of the findings.

4. Enclosure (1) reviews each immediate action and finding reported by reference (a). Inadequacies of the response are addressed and actions to be taken to correct the immediate action or finding are provided. It is strongly recommended, that enclosure (1) be reviewed and used to implement future corrective actions.

5. Reference (e) extended the deadline for submission of next response to 01 July 2005 to allow MARCORLOGCOM personnel to receive training on root cause analysis. The reference (a) requirement to provide continuing 30-day progress reports for all pending immediate actions and inspection findings remains in effect. Based on the extension provided in reference (e) your response shall be provided on the first of each month until corrective actions for all of the findings are completed. Submit progress reports to Officer in Charge, NAVSEADET RASO, NWS P.O. Drawer 260, Yorktown, VA, 23691-0260, with copies to COMNAVSEASYSKOM(SEA 04N) and OPNAV N455.

6. For further information, contact Timothy P. Hart at NAVSEADET RASO by e-mail at harttp@raso.navy.mil or by telephone at DSN 953-4692, commercial (757) 887-4692 or commercial fax (757) 887-3235.


J. P. ALDRIDGE

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NRC Region I

**COMMENTS ON THE MARCORLOGCOM ALBANY
RESPONSE TO FINDINGS OF THE RASP INSPECTION OF
NAVAL RADIOACTIVE MATERIALS PERMIT (NRMP) NO. 10-67004-T1NP
CONDUCTED 24-28 JANUARY 2005**

Ref: (a) NRSC ltr 5104 Ser N455C/N45U9011243 of 4 Mar 05
(b) CG MARCORLOGCOM ltr 5104 L11/L14 of 13 May 05
(c) CG MARCORLOGCOM ltr 5104 L14 of 17 May 05
(d) CG MARCORLOGCOM ltr 5104 L14 of 6 Apr 05

1. Reference (a), paragraph 4.a required an immediate action be taken to conduct an inventory of all CAMs and ACADAs held under NRMP 10-67004-T1NP. Reference (b), which provided the results of the March 2005 inventory, indicates that 18 commands possessing CAMs and ACADAs had not reported. This indicates that a physical inventory has not yet been completed.

Actions Required to Address Immediate Action: Provide a complete physical inventory. The inventory shall include the serial number of each CAM, ACADA and drift tube serial number procured under NRMP No. 10-67004-T1NP and the current location if known. If the location is unknown, state the date it was reported lost. If not reported lost, provide the status of the attempt to locate the item. Include on the list the date the CAM, ACADA or drift tube was procured and the procurement document number.

This immediate action is considered open.

2. Reference (a), paragraph 4.b required immediate action to determine how many CAMs and ACADAs were actually missing/lost and a report of all missing items. Reference (b) provided the requested report but indicated that 18 commands had not reported, and that there were a total of 31 CAMs and 12 ACADAs missing for two or more inventory cycles.

Actions Required to Address Immediate Action: Provide a report of missing/lost based on a complete physical inventory.

This immediate action is considered open.

3. Reference (a), paragraph 4.c required immediate action be taken to correct the causal factors in the RADCON office that led to the unsatisfactory inspection results.

Actions Required to Address Immediate Action: Provide the actions taken to correct the causal factors in the RADCON office that led to the unsatisfactory inspection results.

This immediate action is considered open.

4. Reference (a), paragraph 4.d required immediate actions be taken to conduct a JAGMAN investigation on the failure of the RADCON office to report the missing 85 CAMs to the Naval Radiation Safety Committee (NRSC.) Reference (c) states that the JAGMAN investigation was completed on 8 April 2005.

Action Required to Address Immediate Action: Provide a copy of the results of the JAGMAN investigation.

This immediate action is considered open.

5. Reference (a), enclosure (1) detailed specific findings of the subject inspection. The discrepancies identified during review of your updated response, reference (c), and recommended actions to correct the findings follow:

a. Finding A.4. **Finding A.4 is considered closed.**

b. Finding A.7. Reference (a), states that the reports of lost material had not been made as required.

(1) The actions reported in reference (c) do not describe the actions taken to ensure timely reporting of lost/missing devices in the future. **Action Required to Address Finding: State the actions that will be taken to ensure lost/missing material reports will be made as required.**

(2) The following additional deficiencies were identified during the review of your response:

(a) Corrective Action, Paragraph 1.a(1). This paragraph does not address any factors that contributed to the failure to make the required reports. During the 24-25 October 2000 inspection, the inspector was told that the missing items had not yet been reported. The RADCON office personnel were not aware that the material had already been reported. The inspector later identified that the material had been reported as missing. Being directed to make the report for missing material in 2000 does not explain why the required report was not made in 2004. **Action Required to Address Finding: Delete this paragraph from your response.**

(b) Corrective Action, Paragraph 1.a(2). This paragraph does not address any factors that contributed to the failure to make the required reports. The contention that the LRSO issued a Naval Message directing deployed forces not to

inventory and leak test CAMs is based on a conversation Mr. Davis (MARCORLOGCOM RSO) had with Mr. Lowman (NAVSEADET RASO) as cited in the e-mail from 10 April 2003. As the MARCORLOGCOM LRSO issued the message exempting deployed units from leak testing and inventory requirements one month before the cited conversation and e-mail took place, the action was clearly taken without authorization from NAVSEADET RASO. **Action Required to Address Finding: Delete this paragraph from your response.**

(c) Corrective Action, Paragraph 3(1). This paragraph does not address the corrective actions to prevent further failures in reporting missing/lost material. **Action Required to Address Finding: Delete this paragraph from your response.**

(d) Corrective Action, Paragraph 3(3). Requesting to replace the requirement to make OPREP Navy Blue reports with formal correspondence does not address the failure to make the required reports. **Action Required to Address Finding: Delete this paragraph from your response.**

(e) Corrective Action, Paragraph 3(4). **Action Required to Address Finding: Provide an outline of the training given to the RADCON staff.**

Finding A.7 is considered open.

c. Finding B.9. Reference (a) states that the procedures being used for inventorying CAMs and ACADAs and the audit guide used by the LRSO were not the same as those in the NRMP application.

(1) The actions reported in reference (c) to this finding do not address why the NRMP procedures were not used. **Action Required to Address Finding: State why the procedures described in the NRMP application were not used.**

(2) The corrective actions taken and corrective steps to be taken to avoid further violations reported in reference (c) do not address how you will comply with the procedures committed to in the NRMP application. **Action Required to Address Finding: State the actions to be taken to ensure compliance with the procedures in the NRMP application.**

(3) The following additional deficiencies were identified during the review of your response:

(a) Corrective Action, Paragraph 1, Finding 1. The process described in the NRMP application requires that the inventory be compiled, reconciled and provided to the LRSO by the MSC/units specified in the application each year at the end of March and September. During the inspection, the LRSO described the process for conducting the inventory as the RADCON staff directly contacting the end users of the equipment thus bypassing the chain of command. **Action Required to Address Finding: Explain why the process described in this paragraph was used instead of using the process described in the NRMP application.**

(b) Corrective Action, Paragraph 1, Finding 1, Paragraph a. This paragraph does not address any factors that contributed to the failure to follow the procedures provided in the NRMP application. **Action Required to Address Finding: Delete this paragraph from your response.**

(c) Corrective Action, Paragraph 2. Paragraph b of finding 1 identifies four causal factors that contributed to the violation. The actions described in paragraph 2, "Corrective steps taken and the results achieved", do not address the steps taken to correct the four causal factors identified in paragraph 1, finding 1, paragraph b. **Action Required to Address Finding: State the corrective actions to be taken to address the four causal factors identified in the paragraph titled "Reason for the violations", paragraph 1, finding 1, paragraph b.**

(d) Corrective Action, Paragraph 2.a. **Actions Required to Address Finding: (1) Submit the quality process control procedure for review; (2) Provide an outline of the training given to the RADCON staff; (3) Provide an explanation of how the new procedures will ensure compliance with the procedures in the NRMP application.**

(e) Corrective Action, Paragraph 3.A. **Action Required to Address Finding: Provide an outline of the training to be given to the RADCON staff and the projected completion dates.**

(f) Corrective Action, Paragraphs 4. None of the actions listed refer to submission of an NRMP amendment application. **Actions Required to Address Finding: (1) State the purpose of the permit amendment request; (2) Provide the date when full compliance will be achieved.**

Finding B.9 is considered open.

d. Finding E.7. Reference (c) provided an acceptable response to this finding, however corrective steps are not yet completed. **Action Required to Address Finding: Provide updates on the status of all corrective actions as required by reference (a).**

Finding E.7 is considered open.

e. Finding E.9. Reference (c) provided an acceptable response to this finding, however corrective steps are not yet completed. **Action Required to Address Finding: Provide updates on the status of all corrective actions as required by reference (a).**

Finding E.9 is considered open.

f. Finding F.56. Reference (a) states that the physical inventory conducted every six months did not account for all sources and/or devices received and possessed under the permit. Reference (a) explained that six times during the last five years inspections have identified that the physical inventories have failed to locate all of the items held under the NRMP.

(1) The actions reported in reference (c) to this finding do not address why complete physical inventories of the material held under the NRMP have not been performed. **Action Required to Address Finding: State why a complete physical inventory of all the material held under the NRMP has not been performed.**

(2) Reference (c) fails to identify the root cause for the recurring problem. **Action Required to Address Finding: State why physical inventories have repeatedly failed to locate all of the items held under the NRMP.**

(3) The following additional deficiencies were identified during the review of your response:

(a) Corrective Action, Paragraph 2.b. **Actions Required to Address Finding: (1) Submit the quality process control procedure for review; (2) Provide an outline of the training given to the RADCON staff on 26 April 2005; (3) Provide an explanation of how the new procedures will ensure each item held under the NRMP will be inventoried.**

(b) Corrective Action, Paragraph 2.c(1). This paragraph states that 33 of the 38 CAMs and ACADAs previously reported missing have been located and have been reestablished into the March 2005 inventory. Reference (b) still lists all 38

items as missing. Reference (c), enclosure (2), states in the notes that the material has been recovered, however the data provided with the serial numbers indicates that the material is still missing. Reference (c), enclosure (3) indicates that four of the missing items are in U.S. Army custody. **Action Required to Address Finding:** Provide documentation demonstrating that the 33 items previously reported as lost are now in the possession of the USMC.

(c) Corrective Action, Paragraph 3.b. **Action Required to Address Finding:** Provide a copy of these procedures as part of the response.

Finding F.56 is considered open.

g. Finding F.60. **Finding F.60 is considered closed.**

h. Finding F.74. Reference (a), states that command records showed that at least 25% of the CAMs fielded under this NRMP have not been leak tested within the specified periodicity. Reference (a) also explained that five times in the last five years inspections have identified the failure to conduct the required leak tests. The actions reported in reference (c) do not identify the root cause for the recurring failure to conduct the required leak tests and do not describe the actions to be taken when leak tests of fielded CAMs are not conducted in the required periodicity. **Action Required to Address Finding:** State the actions to be taken if leak tests are not conducted when required.

The following additional deficiencies were identified during the review of your response:

(1) Corrective Action, Paragraph 1.a(1). This paragraph does not address any factors that contributed to the failure to conduct the required leak tests. The contention that the LRSO issued a Naval Message directing deployed forces not to inventory and leak test CAMs is based on a conversation Mr. Davis (MARCORLOGCOM RSO) had with Mr. Lowman (NAVSEADDET RASO) as cited in the e-mail from 10 April 2003. As the MARCORLOGCOM RSO issued the message exempting deployed units from leak testing and inventory requirements one month before the cited conversation and e-mail took place, the action was clearly taken without authorization from NAVSEADDET RASO. **Action Required to Address Finding:** Delete this paragraph from your response.

(2) Corrective Action, Paragraph 1.a(2). This paragraph identifies MARCORLOGCOM's inability to track the exchange of CAMs

among those units within the MEF. **Action Required to Address Finding:** Provide the actions taken to track CAMs when they are exchanged between units in a MEF.

(3) Corrective Action, Paragraph 1.b(3). This paragraph appears to state that the RADCON office could not handle the decrease in information resulting from units deploying. **Action Required to Address Finding:** Explain this statement.

(4) Corrective Action, Paragraph 2. **Action Required to Address Finding:** Submit an up-to-date list of all CAMs with the date of the last leak test. Indicate if the item is in storage or has been issued. If the item has been issued and the last leak test was greater than one year ago explain the action that has been taken to collect a current leak test.

(5) Corrective Action, Paragraph 2.f. **Action Required to Address Finding:** Explain what quantitative impact the CSFs have had on the conduct of leak testing.

(6) Corrective Action, Paragraph 3.c. Requesting elimination of a requirement is not a means of demonstrating compliance. **Action Required to Address Finding:** Delete this paragraph.

(7) Corrective Action, Paragraph 4. **Action Required to Address Finding:** Provide a date when full compliance will be achieved.

Finding F.74 is considered open.

i. Finding I.1. Reference (c) provided an acceptable response to this finding however, corrective steps are not yet completed. **Action Required to Address Finding:** Provide updates on the status of all corrective actions as required by reference (a).

Finding I.1 is considered open.

j. Finding I.2. Reference (a), states that the approximately 1500 CAMs and ACADAs have been shipped to the CSFs without approved allowances being established for these commands. Reference (c) does not provide corrective actions for this finding. The response indicates that radioactive material was physically transferred to 12 localized CSFs without considering the NRMP requirements. Reference (c), enclosure (5) states that the 12 CSFs will be centrally managed by the NBC Defense Systems

Program Manager and operated by contractors. Title 10, Code of Federal Regulations, Part 30.41 (10 CFR 30.41) prohibits transfer of byproduct material to unauthorized persons. Transfer in this case refers to physical possession not material ownership. NRMP No. 10-67004-T1NP does not authorize radioactive material to be transferred to the CSFs. The NRMP specifically addresses possession of material by Marine Corps Units and DLA Depots. Transfer to and possession by contractors at the CSFs is not addressed. Regardless of the Marine Corps NBC Defense Equipment requirements, the physical transfer of radioactive material must be made per the requirements of the NRMP. MARCORLOGCOM must take immediate action to ensure that only personnel authorized by the NRMP have possession of the CAMs and ACADAs. **Action Required to Address Finding: Provide corrective actions taken to correct the improper transfer of licensed material to the CSFs.**

The following additional deficiencies were identified during the review of your response:

(1) Corrective Action, Paragraph 1.a(2). This paragraph states "Since the supply structure was not part of the NRMP, the LRSO did not consider the overall concept as a change to the supply structure, especially since the equipment was still the responsibility of the unit commander who owned the gear." This statement indicates that the LRSO does not understand his duties and responsibilities as described in NRMP application dated 16 January 2003. Item 7, paragraph b, of the NRMP application states that the LRSO "...has responsibility for accountability and management for radioactive commodities used throughout the Marine Corps." The response does not describe the actions taken to ensure that the NRMP conditions will be considered and complied with by groups such as the Marine Corps Oversight Council. **Action Required to Address Finding: Explain how MARCORLOGCOM and the LRSO will ensure the supply policy decisions comply with the conditions of the NRMP.**

(2) Corrective Action, Paragraph 4(b). **Action Required to Address Finding: State the purpose of the permit amendment request.**

Finding I.2 is considered open.

k. Finding I.3. Reference (c) provided an acceptable response to this finding however, corrective steps are not yet completed. **Action Required to Address Finding: Provide updates on the status of all corrective actions as required by reference (a).**

Finding I.3 is considered open.

l. Finding I.4. Reference (a) states that MARCORLOGBASES management has not executed oversight responsibilities for NRMP No. 10-67004-T1NP. The result has been a series of violations that collectively represent a significant carelessness toward responsibility for licensed radioactive material. Adequate measures have not been taken to ensure radioactive commodity operations are being conducted in accordance with Marine Corps, Navy and NRC regulations as well as the command's established operating and emergency procedures. Reference (c) does not identify the root cause of the finding. **Action Required to Address Finding: Identify the root cause underlying management's failure to execute oversight responsibilities for NRMP No. 10-67004-T1NP.**

The following additional deficiencies were identified during the review of your response:

(1) Corrective Action, Paragraph 1.a(3). The paragraph indicates that meetings informed the Commanding General and executive staff of NRMP issues. **Action Required to Address Finding: Clarify this paragraph. State if these meetings have been held for the last five years or if they have just begun to be held and are part of the corrective actions.**

(b) Corrective Action, Paragraph 2.a. The cited reference is the NRSC inspection report, which does not resolve and close the finding. **Action Required to Address Finding: Correct the reference.**

(c) Corrective Action, Paragraph 2.d. **Action Required to Address Finding: Provide a copy of the JAGMAN investigation.**

Finding I.4 is considered open.

m. Finding I.5. Reference (a) states that the COMMARCORLOGBASES LRSO had not executed his responsibilities for radioactive commodity operations as evidenced by the number and severity of findings identified during the inspection and the careless disregard shown toward management of the permit. Reference (c) fails to address why the LRSO had not executed his responsibilities for the NRMP and the corrective actions taken to ensure he will in the future. **Actions Required to Address Finding: (1) Identify the root cause underlying the LRSO's failure to execute his responsibilities for NRMP No. 10-67004-**

T1NP; (2) State the actions taken to ensure the LRSO will execute his responsibilities in the future.

(1) Paragraph 2 of the corrective actions for finding I.5 in reference (d) stated a JAGMAN investigation is being conducted on the RADCON office that includes a review of the LRSO's oversight. **Actions Required to Address Finding: Provide a copy of the results of the JAGMAN investigation.**

(2) Corrective Action, Paragraph 2.a. This paragraph does not address the corrective actions taken to ensure the LRSO executes his responsibilities as defined by the NRMP. **Actions Required to Address Finding: Delete this paragraph from your response.**