



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

March 26, 2014

EA-14-039

NMED Nos. 090555, 1003555, 120693, 140004 (Closed)

Mr. Patrick Kelly
System Safety Office Director
Department of the Army
TACOM Life Cycle Management Command
ATTN: AMSTA-CSC-Z
6501 East 11 Mile Road
Warren, MI 48397-5000

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03038500/2014001(DNMS) AND
NOTICE OF VIOLATION – DEPARTMENT OF THE ARMY

Dear Mr. Kelly:

On January 28, 2014, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Warren, Michigan facility, with continued in-office review through March 7, 2014. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of your reporting of several events and subsequent licensee investigation and corrective actions. A final exit meeting was held between Ms. Deborah Piskura of my staff and Mr. Thomas Gizicki of your staff by telephone on March 7, 2014, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to maintain control and constant surveillance of licensed material that is not in storage, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 20.1802. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the Notice, because the inspector identified the violations.

The inspector determined that the root cause of the violation was multiple packaging and consolidation activities of numerous items in the shipment. As corrective actions to restore compliance and to prevent recurrence, the Department of the Army changed its shipping

process for improved chemical agent monitors (ICAMs) sent out for repair to utilize the services of a commercial carrier with package tracking and delivery notification capabilities.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was or will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Deborah A. Piskura of my staff if you have any questions regarding this inspection. Ms. Piskura can be reached at 630-829-9867.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-38500
License No. 21-32838-01

Enclosure:
Notice of Violation

cc w/encl: Thomas Gizicki, Radiation Safety Officer
State of Michigan

P. Kelly

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Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-38500
License No. 21-32838-01

Enclosure:
Notice of Violation

cc w/encl: Thomas Gizicki, Radiation Safety Officer
State of Michigan

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NOTICE OF VIOLATION

Department of the Army
Warren, Michigan

License No. 21-32838-01
Docket No. 030-38500
EA-14-039

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on January 28, 2014, with continued in-office review through March 7, 2014, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 20.1802 states that the licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area that is not in storage.

Contrary to the above, as of August 2007, the licensee failed to maintain control and constant surveillance of licensed material that was not in storage. Specifically, the licensee failed to maintain control and constant surveillance of two improved chemical agent monitors each containing a nickel-63 source of a quantity 10 times greater than the quantity specified in Appendix C to 10 CFR Part 20.

This is a Severity Level IV violation (Section 6.7).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in (this letter, the subject inspection report, etc.). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03038500/2014001(DNMS); EA-14-039" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 26TH day of March 2014.