



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

January 28, 2016

Docket No. 030-38022

License No. 09-23977-01E

Matthew Brophy  
Vice President, Operations  
DRS Training and Control Systems, LLC  
645 Anchor Street  
Fort Walton Beach, FL 32548

SUBJECT: NRC INSPECTION REPORT NO. 03038022/2016001, DRS TRAINING AND CONTROL SYSTEMS, LLC, FORT WALTON BEACH, FLORIDA SITE AND NOTICE OF VIOLATION

Dear Mr. Brophy:

On January 19, 2016, Betsy Ullrich of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in your e-mail correspondence dated January 27, 2016 also was examined as part of the inspection. The findings of the inspection were discussed with John Iten of your organization at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved: 1) the failure to comply with Department of Transportation requirements for shipments of packages containing radioactive material.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In the January 27, 2016, correspondence, Mr. Iten indicated that packages containing the devices, transferred to persons who are exempt from the requirements of a license, are radioactive material that should be shipped with UN2911 marking (excepted package for radioactive instruments and articles). He also stated Department of Transportation refresher training would be provided on this issue.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the

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NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC 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 available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Betsy Ullrich at (610) 337-5040 if you have any questions regarding this matter.

Sincerely,

**/RA/**

Blake Welling, Chief  
Commercial, Industrial, R&D and Academic  
Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
John A. Iten, Radiation Safety Officer  
State of Florida

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Sincerely,

/RA/

Blake Welling, Chief  
Commercial, Industrial, R&D and Academic  
Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
John A. Iten, Radiation Safety Officer  
State of Florida

Distribution:  
B. Bickett, RI

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**SUNSI Review Complete:** EUllrich

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NAME	EUllrich/eu		BWelling/bw					
DATE	1/28/16		1/28/16					

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## **NOTICE OF VIOLATION**

DRS Training and Control Systems, LLC  
Fort Walton Beach, FL

Docket No. 030-38022  
License No. 09-23977-01E

During an NRC inspection conducted on January 19 and 27, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

Contrary to the above, as of January 27, 2016, the licensee did not comply with the applicable requirements of the regulations of the DOT for licensed material delivered to a carrier for transport. Specifically, at unspecified times since the last inspection on January 5, 2011, the licensee shipped thermal ionization detectors, containing 0.7 microcuries of americium-241 in a foil, as if they did not contain radioactive material. Prior to that time, the licensee shipped these devices as "excepted package for radioactive instruments and articles" which required that packages be marked with the applicable UN number.

This is a Severity Level IV violation. (Enforcement Policy Section 6.8)

Pursuant to the provisions of 10 CFR 2.201, DRS Training and Control Systems, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction.

However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 28<sup>th</sup> day of January 2016