



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

May 04, 2016

Mr. William B. Johnson, Radiation Safety Officer  
U.S. Army Corps of Engineers  
Engineer Research and Development Station  
Waterways Experiment Station  
3909 Halls Ferry Road  
Vicksburg, MS 39180-6199

SUBJECT: NRC INSPECTION REPORT 030-05061/2016-001 AND NOTICE OF VIOLATION

Dear Mr. Johnson:

This letter refers to the inspection conducted at your facility in Vicksburg, Mississippi on March 2, 2016 with in office review through April 6, 2016. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Nuclear Regulatory Commission's (NRC) rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of examination of records and selected procedures, observations of licensed activities, and interviews with personnel. Preliminary inspection findings were discussed with you at the conclusion of the onsite inspection on March 2, 2016. A final exit briefing was conducted telephonically with you and your Chief Safety Manager, Fredrick Ragan Sr., and Deputy Commander, Henry S. McDevitt, Jr. on April 6, 2016.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of the NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the Notice. The violations are being cited in the Notice because they were identified by the NRC during the inspection. The violations involved the failures to: 1) periodically (at least annually) review the radiation protection program content and implementation; and 2) conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

You are required to respond to this letter and must follow the instructions specified in the enclosed Notice when preparing your response. 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 will be (was) achieved should be addressed. The NRC will use your response to determine whether further enforcement action is necessary to ensure your compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and

Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Michelle M. Hammond at 817-200-1127 or myself at 817-200-1191.

Sincerely,

**/RA/**

Ray L. Kellar, P.E., Chief  
Nuclear Material Safety Branch A  
Division of Nuclear Materials Safety

Docket: 030-05061  
License: 23-01544-09

Enclosure:  
Notice of Violation (Notice)

cc: B. J. Smith, Director  
Division of Radiological Health  
Mississippi State Department of Health  
P.O. Box 1700  
Jackson, MS 39215-1700

**DISTRIBUTION:**

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**ADAMS ACCESSION NUMBER:**

X SUNSI Review By: <b>MMH</b>		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword:
OFFICE	RIV:DNMS/NMSB-B	BC:NMSB-A			
NAME	MMHammond	RLKellar			
SIGNATURE	<b>/RA/</b>	<b>/RA/</b>			
DATE	05/04/16	05/04/16			

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Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Michelle M. Hammond at 817-200-1127 or myself at 817-200-1191.

Sincerely,

**/RA/**

Ray L. Kellar, P.E., Chief  
Nuclear Material Safety Branch A  
Division of Nuclear Materials Safety

Docket: 030-05061  
License: 23-01544-09

Enclosure:  
Notice of Violation (Notice)

cc: B. J. Smith, Director  
Division of Radiological Health  
Mississippi State Department of Health  
P.O. Box 1700  
Jackson, MS 39215-1700

## NOTICE OF VIOLATION

U.S. Army Corps of Engineers (ERDS)  
Vicksburg, Mississippi

Docket: 030-05061  
License: 23-01544-09

During the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 2 – April 6, 2016, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, during calendar years 2014 and 2015 the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee had not reviewed the radiation protection program content and implementation during calendar years 2014 and 2015.

This is a Severity Level IV violation. (Violation Example 6.3)

- B. License Condition 15 of Amendment 38, to NRC Materials License 23-01544-09, states, in part, that the licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the Commission to account for all sources received and possessed under the license.

Contrary to the above, between March 2014 and March 2016, the licensee failed to conduct a physical inventory every 6 months to account for all sources received and possessed under the license. Specifically, physical inventories were not conducted by the licensee between March 2014 and March 2016, a period exceeding 6 months, to account for all sources received and possessed under the licensee.

This is a Severity Level IV violation. (Violation Example 6.3)

Pursuant to the provisions of 10 CFR 2.201, U.S. Army Corps of Engineers Engineer Research and Development Station Waterways Experiment Station is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, Texas, 76011, 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 or severity level; (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.

Enclosure

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) or [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html), to the extent possible, it should not include any personal privacy, proprietary or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11(a)(4), you may be required to post this Notice to workers within two working days.

Dated this 4th day of May 2016