



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

May 27, 2016

COL David W. Banian
Chief of Staff
Department of the Army
AMSJM-CS
HQ, U.S. Army Joint Munitions Command
2695 Rodman Avenue
Rock Island, IL 61299-6000

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 04008767/2016001(DNMS) AND
NOTICE OF VIOLATION – DEPARTMENT OF THE ARMY

Dear Colonel Banian:

On February 24 and 26, 2016, with continuing in-office review through May 2, 2016, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an inspection at the Letterkenny Army Depot (LAD) in Chambersburg, Pennsylvania. The purpose of this inspection was to review activities performed by the Joint Munitions Command (JMC) as authorized by NRC Materials License SUC-1380. The in-office review included an evaluation of information that was not available during the onsite portion of the inspection. Mr. Scott Wilson of NRC Region I discussed the findings of the inspection during a telephonic exit meeting with Mr. Kelly Crooks and Mr. Gary Buckrop on May 2, 2016.

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 identified three violations of NRC requirements. The violations were evaluated in accordance with the NRC Enforcement Policy, which is available on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations involved: (1) the failure to ensure the requirements of the license were implemented by the designated radiation safety officer at LAD, as required by license condition 15.A; (2) the failure to ensure shipping labels contained the correct information, as required by Title 49 of the *Code of Federal Regulations* (CFR) 172.403; and, (3) the failure to ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in Subpart H of 49 CFR 172, as required by 49 CFR 172.702(a). The violations are cited in the enclosed Notice of Violation (Notice). Please note that, because violations (2) and (3) shared a common root cause, the NRC is citing them together as one Severity Level IV problem. The NRC is citing the violations in the enclosed Notice because the inspector identified the violations.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information

Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC's website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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 Mr. Wilson if you have any questions regarding this inspection. Mr. Wilson can be reached at (610) 337-5136.

Sincerely,

/RA/

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

Docket No. 040-08767
License No. SUC-1380

Enclosure:
Notice of Violation

cc w/encl: Kelly W. Crooks, Radiation
Safety Officer
Gary W. Buckrop, Alternate Radiation
Safety Officer
State of Illinois
Commonwealth of Pennsylvania

Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC's website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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NOTICE OF VIOLATION

Department of the Army
Rock Island, Illinois

Docket No. 04008767
License No. SUC-1380

During an NRC inspection conducted on February 24, and 26, 2016, and continuing in-office review through May 2, 2016, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 15.A of License No. SUC-1380, Amendment 54, states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated April 21, 2014.

Supplement 3, Item No. 1.1, of this application, states, in part, that the Commander, Headquarters, US Army Joint Munitions Command, ensures the radiation safety officers at those installations storing depleted uranium ammunition implement the requirements of this license.

Contrary to the above, between July 14, 2015, and February 26, 2016, the Commander, Headquarters, US Army Joint Munitions Command, did not ensure the radiation safety officers at the Letterkenny Army Depot in Chambersburg, Pennsylvania, an installation storing depleted uranium ammunition under the license, implemented the requirements of the license. Specifically, the radiation safety officer for the license provided the name of an individual and stated that the individual was the Letterkenny Army Depot radiation safety officer; however, the individual was not assigned the task of managing and implementing the requirements of the license in accordance with License Condition 15 and the Application dated April 21, 2014. The individual whose name was provided to the inspector, as well as his manager, stated to the inspector that they had not been assigned the task, and did not manage or implement the requirements of the license.

This is a Severity Level IV violation (Section 6.3).

- B. Title 10 of the *Code of Federal Regulations* (CFR) Part 71.5 requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 171 through 180, appropriate to the mode of transport.

Title 49 CFR 172.403(a) requires, in part, that unless excepted from labeling by 49 CFR 173.421 through 173.427 of this subchapter, each package of radioactive material must be labeled as provided in this section.

Title 49 CFR 172.403 requires, in part, that each package of radioactive material be labeled, as appropriate, with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transportation index must be entered in the blank spaces on the label using a legible and durable, weather resistant, means. The contents entered on the label must include the name or abbreviation (e.g., 99 Mo) of the radionuclides as taken from the listing in 49 CFR 173.435, or for mixtures of radionuclides, those nuclides determined in accordance with provisions of 49 CFR 173.433(g), with consideration of space available

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on the label. The activity must be expressed in terms of the appropriate SI units (e.g., Becquerel, Terabecquerel etc.), or in terms of appropriate SI units followed by customary units (e.g., curies, millicuries, or microcuries).

Contrary to the above, on February 24 and 26, 2016, the US Army Joint Munitions Command, transported licensed material outside the site of usage at Letterkenny Army Depot in Chambersburg, Pennsylvania, as specified in the NRC license, and did not comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR parts 171 through 180, appropriate to the mode of transport. Specifically, the licensee transported multiple pallets of ammunition containing depleted uranium to General Dynamics in Marion, Illinois, over public highways, the package was not excepted from labeling by 49 CFR 173.421 through 173.427, and the package was not marked with accurate information regarding the proper shipping name (contents); the activity of the radioactive contents in each package; and the transportation index, as required by 49 CFR 172.403.

- C. Title 10 CFR 71.5 requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 171 through 180, appropriate to the mode of transport.

Title 49 CFR 172.702(a) requires that a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.

Contrary to the above, on February 24, 2016, and February 26, 2016, the US Army Joint Munitions Command transported licensed material outside the site of usage at Letterkenny Army Depot in Chambersburg, Pennsylvania, as specified in the NRC license, and did not comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR parts 171 through 180, appropriate to the mode of transport. Specifically, the licensee shipped multiple pallets of ammunition containing depleted uranium to Marion, Illinois, over public highways, and was unable to demonstrate that hazmat employees involved in preparing these shipments had been trained in accordance with the requirements of 49 CFR 172 Subpart H.

This is a Severity Level IV problem (Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Department of the Army's Joint Munitions Command 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 III, 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.

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 27th day of May 2016.