



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

August 23, 2019

Mr. C. Shane Denning
Radiation Safety Officer
Garrison Safety Office
Department of the Army
United States Army Garrison, Fort Polk
7130 Pennsylvania Loop,
Building 4209, Module D
Fort Polk, LA 71459-5339

SUBJECT: NRC REVIEW OF NONCOMPLIANCE IDENTIFIED AT FORT POLK

Dear Mr. Denning:

On June 7, 2019, the U.S. Nuclear Regulatory Commission (NRC) became aware that the Fort Polk U.S. Army facility was erroneously licensed under the authority of the State of Louisiana, Emergency and Radiological Services Division, Office of Environmental Compliance, Department of Environmental Quality. On or around July 5, 2001, the State of Louisiana issued License LA-10445-L01 to Joint Readiness Training Center (JRTC) and Fort Polk, Department of Public Works (DPW), United States Army Environmental and Natural Resources Management Division (ENRMD).

The State of Louisiana did not have the authority under its Agreement with the NRC (available on the NRC website at: <https://scp.nrc.gov/special/regs/laagreements.pdf>) to license the possession, use, and storage of byproduct materials at Fort Polk as an entity of the U.S. Federal Government. The State of Louisiana's Agreement with the NRC did not transfer regulatory authority to the State over activities of federal agencies within the State. As a result, Fort Polk was in noncompliance with NRC rules and regulations, as Fort Polk lacked an NRC license to possess, use, and store specifically-licensed byproduct materials as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 30.4.

The NRC's review of the facts and circumstances of this noncompliance determined that: (1) although Fort Polk did not hold an NRC license, it did, erroneously, hold a license with the State of Louisiana, which provided regulatory control and safety and security oversight; (2) the types and quantities of byproduct material possessed by Fort Polk (two 12 mCi cobalt-57 Protec Instrument Corporation RMD LPA-1 x-ray fluorescence (XRF) devices used for lead paint analysis) represented a low health and safety hazard; (3) the aforementioned devices could have been possessed by Fort Polk under a general license authorized by the NRC under 10 CFR 31.5 had the devices been distributed as a generally licensed device rather than a specific license device (Sealed Source and Device Registry MA-1383-D-101-B); and (4) Fort Polk representatives took immediate and comprehensive corrective actions to return the two XRF devices to the manufacturer for relabeling and redistribution to Fort Polk as a generally licensed device.

The noncompliance was evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at:

<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Based on the results of the NRC's review, the NRC has concluded that the noncompliance was minor in significance and that in accordance with the NRC Enforcement Policy Section 2.3.1 and in consideration for the corrective actions already completed, no further enforcement action is warranted.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011 within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedures," a copy of this letter and your response, should you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter, please contact Mr. Jason vonEhr at (817) 200-1186.

Sincerely,

/RA/

Patricia A. Silva, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 999-90004

License: General License under 10 CFR 31.5

cc:

Jeff Dauzat, Administrator
State of Louisiana Radiation Control Program

NRC REVIEW OF NONCOMPLIANCE IDENTIFIED AT FORT POLK - DATED August 23, 2019

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☒SUNSI Review:

ADAMS:

☐ Non-Publicly Available☒ Non-Sensitive

Keyword:

By: JEV

☒ Yes ☐ No☒ Publicly Available☐ Sensitive

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