

April 2, 1997

Docket No. 040-06377

License No. SUB-348

James Elliott, Chief
Systems Safety Office
Department of the Army
U.S. Army Armaments Research,
Development, and Engineering Command
Picatinny Arsenal, New Jersey 07806-5000

SUBJECT: INSPECTION NO. 040-06377/97-001

Dear Mr. Elliott:

On February 12, 1997, Betsy Ullrich of this office conducted a safety inspection at Picatinny Arsenal of activities authorized by the above listed NRC license. The inspection was limited to a review of the circumstances which resulted in the improper transfer and loss of munitions containing depleted uranium. A copy of the NRC inspection report is enclosed. The findings of the inspection were discussed with Tom Perry, Richard Fliszar and Dick Moss at the conclusion of the inspection. This also refers to the telephone conversations on February 14 and March 3, 1997, between Betsy Ullrich and Richard Fliszar.

Based on the results of this inspection, it appears that one of your activities was not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed and categorizes the violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

The violation described in the attached Notice of Violation involves the storage and control of licensed material. The violation is classified at a Severity Level IV violation after careful consideration of the factors involved in this specific instance and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG 1600. Specifically, this violation posed a

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minimal health and safety problem because of the small quantity of material transferred. Similar violations of this type in the future may result in additional enforcement action.


We also request that, with your response to the Notice of Violation, you submit a description of your plan for reviewing the Radiation Protection Office inventory of radioactive materials. Based on discussions during the inspection, we understand that you believe that all the radioactive material listed in the database as present at Picatinny Arsenal is accounted for through the routine physical inventory program. However, we further understand that you planned to confirm that all radioactive material listed in the database as having been transferred or disposed of is, in fact, no longer present at Picatinny Arsenal. Please include the expected completion date of this review in the description.

In accordance with Section 2.790 of NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter, the enclosed report, and your reply will be placed in the Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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. The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Your cooperation with us is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

for 
John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

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Enclosures:

1. Inspection Report No. 040-06377/97-001
2. Notice of Violation

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cc w/enclosures:
Richard Fliszar, Radiation Safety Officer

Commander
U.S. Army Materiel Command
ATTN: AMCSF-P (J. Manfre)
5001 Eisenhower Avenue
Alexandria, Virginia 22333-0001

State of New Jersey

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Nuclear Safety Information Center (NSIC)

Region I Docket Room (w/concurrences)

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