



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
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January 3, 2022

EA-21-115

COL Christopher Rankin,
Commander
Department of the Army
National Ground Intelligence Center
2055 Boulders Road
Charlottesville, VA 22911-8318

**SUBJECT: DEPARTMENT OF THE ARMY, NATIONAL GROUND INTELLIGENCE
CENTER - NOTICE OF VIOLATION - NRC INSPECTION REPORT NO.
03032042/2021001**

Dear COL Rankin:

This letter refers to the routine inspection conducted on April 20, 2021, with continued in-office review through September 7, 2021, of activities performed under the NRC license issued to the Department of the Army's (Army's) National Ground Intelligence Center (NGIC) at the Aberdeen Proving Ground. Based on the results of the inspection, the NRC identified apparent violations (AVs) of NRC requirements. The AVs involved the failure to maintain a qualified Radiation Safety Officer (RSO) on your NRC license and the failure to document the annual radiation program audit for 2020. NRC staff discussed the AVs with you during a telephonic exit meeting on September 7, 2021, and described the AVs in the NRC inspection report sent to you with a letter dated September 24, 2021 (ML21266A143)¹.

In the letter transmitting the inspection report, we informed you that one of the AVs identified in the report was being considered for escalated enforcement action, and requested that you provide information about corrective actions by either providing a written response or attending a predecisional enforcement conference before we made our final enforcement decision. The NRC noted that, in a letter dated September 14, 2021, you requested a license amendment to name a new RSO. That individual was determined to be qualified and the license amendment was approved on November 10, 2021. In a letter dated October 12, 2021 (ML21326A067), you provided a written response to the AV and described the actions taken and planned by the NGIC to address the issue, as further described below.

Based on the information identified during the inspection and the information that your staff provided in the NGIC letter dated October 12, 2021, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. As described above, the first violation involved the failure to maintain a qualified RSO on your NRC license. Specifically, after the RSO named on the license left your

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

employment in January 2020, a replacement was not named. The NRC notes that the Army NGIC informally assigned a Safety Manager to oversee licensed activities; however, the Safety Manager was not qualified to be the RSO for the Broad Scope Type A license. Also, the Army NGIC did not amend the NRC license to formally name the Safety Manager as the RSO, and he retired in July 2021. The NRC considered the violation to be significant because the NRC relies on the RSO to oversee licensed activities and to maintain communication with the NRC about the licensed program. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III (SL III).

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7500 is considered for a SL III violation. Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC staff determined that credit for corrective action is warranted. Namely, upon identification of the violation, the Army NGIC secured all existing radiological material and suspended all activities with such material pending resolution of this issue. The Army NGIC also named a qualified, interim RSO and submitted an amendment request to name this individual on the NRC license. Additionally, the Army NGIC entered into a formal agreement with the Army Public Health Command to obtain a replacement RSO for the license as well as an alternate RSO and added budget items for these individuals to ensure the resources remain in place and notice is provided prior to any personnel changes.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this SL III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

As described above, an additional violation was identified that is being assessed at SL IV. That violation involved a failure to retain records of the radiation protection program, including audits and other reviews of the program content and implementation. This violation is cited in the enclosed Notice because it was identified by the NRC.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03032042/2021001, and the letter from the Army NGIC dated October 12, 2021. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in 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, 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, 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 information, 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). The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

If you have any questions concerning this matter, please contact Randolph Ragland of my staff at 610-337-5083 or Randolph.Ragland@nrc.gov.

Sincerely,

Raymond K. Lorson
Deputy Regional Administrator

Docket No. 03032042
License No. 45-25134-01

Enclosure: Notice of Violation

SUBJECT: DEPARTMENT OF THE ARMY, NATIONAL GROUND INTELLIGENCE
CENTER - NOTICE OF VIOLATION - NRC INSPECTION REPORT NO.
03032042/2021001Dated January 3, 2022

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ML21301A028

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NOTICE OF VIOLATION

Department of the Army National Ground Intelligence Center
Aberdeen, Maryland

Docket No. 03032042
License No. 45-25134-01
EA-21-115

During an NRC inspection conducted on April 20, 2021, with continued in-office review through September 7, 2021, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. ESCALATED VIOLATION

License Condition 11.B of NRC License No. 45-25134-01, dated March 8, 2017, authorized a specific individual to fulfill the duties and responsibilities of the Radiation Safety Officer (RSO) for the license.

10 CFR 33.13(c)(2) states, in part, that a Type A specific license of broad scope will be approved if the applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control, and accounting and management review that are necessary to assure safe operations, including the appointment of a radiological safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiological safety matters.

Contrary to the above, from January 2020, to September 14, 2021, the individual specifically authorized as the RSO in Condition 11B of NRC License No. 45-25134-01, dated March 8, 2017, did not fulfill the duties and responsibilities of the RSO. Specifically, the RSO listed on NRC License No. 45-25134-01, dated March 8, 2017, left the employment of the licensee in January 2020. The Department of the Army, National Ground Intelligence Center, appointed a new RSO in January 2020, who lacked the qualifications to be an RSO on a Broad Scope Type A license and who retired in July 2021. The licensee did not submit a license amendment request to name a new, qualified RSO until September 14, 2021

This is a Severity Level III violation (Enforcement Policy 6.3.c.5.a)

B. NON-ESCALATED VIOLATION

10 CFR 20.1101(c) requires each licensee to periodically (at least annually) review the radiation protection program content and implementation.

10 CFR 20.2102(a)(2) requires each licensee to maintain records of the radiation protection program, including audits of and other reviews of the program content and implementation.

Contrary to the above, for the year 2020, the licensee did not maintain records of the radiation protection program, including audits of and other reviews of the program content and implementation.

This is a Severity Level IV Violation (Enforcement Policy 6.3.d.3)

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03032042/2021001 (ML21266A143)¹, and the letter from Department of the Army National Ground Intelligence Center dated October 12, 2021 (ML21326A067). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, (EA-21-115)," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 3rd day of January, 2022.

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.