

NRC FORM 591M PART 1
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

U.S. Army Corps of Engineers
Vicksburg District
4155 Clay Street, Vicksburg, Mississippi
and
100 Advocate Road, Vidalia, Louisiana

REPORT NO.: 2021-001

2. NRC/REGIONAL OFFICE

U.S. Nuclear Regulatory Commission
Region IV, 1600 East Lamar Blvd
Arlington, Texas 76011-4511

3. DOCKET NUMBER

030-19290

4. LICENSE NUMBER

23-01544-16

5. DATE OF INSPECTION

October 20, 2021

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- ☐ 1. Based on the inspection findings, no violations were identified.
- ☐ 2. Previous violations closed.
- ☐ 3. The violations, specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy to exercise discretion, were satisfied.
- ☐ Non-Cited Violation was/were discussed involving the following requirement(s) and Corrective Action(s):

- ☒ 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.
- A) 10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.


Contrary to the above, periodically from 2016 through the date of this inspection, did not use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Specifically, on periodic occasions, the licensee left portable gauges unattended in the back of an open bed pickup truck with only one lock securing the gauge from unauthorized removal. The licensee corrected this violation by adding a second barrier to the portable gauges in open bed trucks for occasions when a gauge may be left unattended.

(Enforcement Policy Section 6.3.d.10)

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	William Richards		2 Dec 21
NRC INSPECTOR	Randy Ragland	Randolph C. Ragland	Digitally signed by Randolph C. Ragland Date: 2021.11.10 16:24:33 -05'00'
BRANCH CHIEF	Lizette Roldan-Otero	Lizette Roldan-Otero	Digitally signed by Lizette Roldan-Otero Date: 2021.12.30 10:17:49 -06'00'

Continued on 591M Part 2

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CONTINUED FROM PART 1

- B. 10 CFR 71.5 requires, in part, that each licensee who transports licensed material on public highways shall comply with applicable requirements of DOT regulations in 49 CFR 172.600, which requires, in part, that no person may offer for transportation a hazardous material, unless emergency response information conforming to 49 CFR 172 subparts C and G is immediately available for use at all time the hazardous material is present.

Contrary to the above, on periodic occasions, from 2016, to October 20, 2021, the licensee transported hazardous materials on public highways without all required emergency response information, conforming to 49 CFR 172 subparts C and G, in the immediately available transport document folder.

Specifically, some of the required emergency response information, including a description of immediate hazards to health, immediate methods for handling fires, or preliminary first aid measures as described in 49 CFR 172.602(a) was not immediately available. The licensee corrected this violation and prevented recurrence by adding the required information to the portable gauge transport document folders.

(Enforcement Policy Section 6.8.d.5)

- C. License Condition 19 A of NRC License 23-01544-16 requires, in part, that the licensee shall conduct its program in accordance with the license application dated November 7, 2012. The license application states, in part, that the licensee will maintain the operating and emergency (O&E) procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1. The O&E procedures state that the licensee will "Sign out the gauge in a log book (that remains at the storage location) including the date(s) of use, name(s) of the authorized users who will be responsible for the gauge, and the temporary job site(s) where the gauge will be used."

Contrary to the above, from December 2015 to present, the licensee failed to "Sign out the gauge in a log book (that remains at the storage location) including the date(s) of use, name(s) of the authorized users who will be responsible for the gauge, and the temporary job site(s) where the gauge will be used."

Specifically, the licensee did not maintain the utilization logs for every single time a gauge was used. The licensee corrected this by placing a clip board with a form that included the required information to be filled in at each gauge storage location. To prevent recurrence the licensee re-trained authorized gauge users to maintain the utilization logs each time a gauge is used.

(Enforcement Policy Section 6.3.d.3)

- D. 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, in 2019 and 2020, the licensee did not periodically (at least annually) review the radiation protection program.

Specifically, the licensee miscommunicated to personnel about whose responsibility it was to conduct the annual review. The licensee corrected this by performing a program review for 2021 and to prevent recurrence placed a reminder to perform the annual review in the Radiation Safety Officer's calendar.

This is a repeat violation.

(Enforcement Policy Section 6.3.d)

Dykert, Jason

From: Dykert, Jason
Sent: Wednesday, December 1, 2021 9:39 AM
To: 'William.T.Shows@usace.army.mil'; 'Richards, William D CIV USARMY CEMVK (USA)'
Cc: 'robert.a.hilliard@usace.army.mil'
Subject: NRC inspection report 2021-001
Attachments: Army Corps of Engineers, 591M, 2021-001.pdf; Annual Audit from NUREG-1556 Volume 1 Rev. 2.pdf

Good morning,

As we discussed during the exit meeting today, 4 violations of regulatory requirements were identified and are documented in the attached report. Bill, please review the corrective actions with Tim to ensure that they are correct, and then sign the report and email it back to me, that will close the inspection. I have attached an in-depth audit from the NRC's program guidance document for your review.

After my Branch Chief reviews and signs this report, I will make it a publicly available safety record for review in the NRC's Agencywide Documents Access and Management System ([ADAMS](#)) online database.

If you have any questions or concerns, please give me a call,

Respectfully,

Jason Dykert
Health Physicist
Division of Nuclear Materials Safety
US NRC Region IV
Phone: 817-200-1427