

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
Energy Research and Development Center
Waterways Experiment Station
3909 Halls Ferry Road
Vicksburg, Mississippi

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

030-05061

4. LICENSE NUMBER

23-01544-09

5. DATES OF INSPECTION

10/19/2021 – 03/10/2022

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.) License Condition 12 of NRC License 23-01544-09, Amendment 40, identified a named individual as the Radiation Safety Officer (RSO).

Contrary to the above, from January 1, 2021, to October 29, 2021, the licensee failed to have that named individual as the Radiation Safety Officer (RSO). Specifically, the named individual retired, and a new RSO was appointed on January 29, 2021, but the licensee didn't notify the NRC prior to the RSO change and did not request the new RSO be named on the license until after October 29, 2021.

The license was amended on March 1, 2022, with the current appointed RSO being named on the license. To prevent recurrence of this violation, future RSO changes will be requested through a formal written NRC license amendment request, prior to changing the RSO.

This is a Severity Level IV violation (Section 6.3.d.8)

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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	Darrell Wright, RSO	WRIGHT.DARRELL.W.114 Digitally signed by WRIGHT.DARRELL.W.1144099296 Date: 2022.03.15 16:54:16 -05'00'	March 15, 2022
NRC INSPECTOR	Randy Ragland	Jason Dykert for Randy Ragland	March 10, 2022
BRANCH CHIEF	Lizette Roldán-Otero, Ph.D.	Lizette Roldan-Otero Digitally signed by Lizette Roldan-Otero Date: 2022.04.27 10:25:48 -05'00'	

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CONTINUED FROM PART 1

- B. License Condition 25.B of NRC License 23-01544-09, Amendment 40, requires, in part, that the licensee shall conduct its program in accordance with the license application dated October 9, 2014. 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 dates of use, names of the authorized users who will be responsible for the gauge, and the temporary job sites where the gauge will be used."

Contrary to the above, on a few occasions in 2020, the licensee failed to sign out the gauge in a log book (that remains at the storage location) and include the dates of use, names of the authorized users who were responsible for the gauge, and the temporary job sites where the gauge was used. Specifically, two portable gauges were utilized but all the required information was not documented in the existing utilization log.

The licensee provided training to the gauge users about writing down all of the required information in the utilization log. To prevent recurrence, the licensee will periodically review the utilization log for completeness.

This is a Severity Level IV violation (Section 6.3.d.3)

- C. License Condition 15 of NRC License 23-01544-09, Amendment 40, requires, in part, that the licensee shall conduct a physical inventory every 6 months and maintain records of the inventories for 5 years.

Contrary to the above, from January 1, 2021 through July 30, 2021, the licensee failed to conduct a physical inventory every 6 months and maintain a record of the inventory for 5 years. Specifically, a physical inventory of portable gauges was not performed for the first half of 2021, because of uncertainty about what staff was responsible for performing the inventory when the appointed RSO changed.

The licensee has developed instructions for who will perform the physical inventories and will periodically review the inventory records for completeness.

This is a repeat Severity Level IV violation (Section 6.3.d.3)

Dykert, Jason

From: Dykert, Jason
Sent: Thursday, March 10, 2022 3:40 PM
To: darrell.w.wright@usace.army.mil
Subject: NRC inspection report 2021-001 for portable gauge license
Attachments: US Army Corp, 591M, 2021-001.pdf

Good afternoon Mr. Wright,

As we discussed today during the exit meeting for the 2021 portable gauge inspection, I am sending you the inspection report to sign and return to me. Three violations of regulatory requirements were identified. Please review the corrective actions written down in the report and ensure that they accurately describe the actions taken to correct the violations and prevent recurrence.

After my Branch Chief reviews and signs this report, I will make it an official record and publicly available 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