



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

December 18, 2001

CAL No. 2-01-02

Department of the Army
ATTN: General Patricia L. Nilo
Commandant
U.S. Army Chemical School
Fort Leonard Wood, Missouri 65473-8926

SUBJECT: CONFIRMATORY ACTION LETTER

Dear General Nilo:

This refers to a telephone conversation between Colonel Thomas Klewin of your staff and Mr. Thomas R. Decker of our staff on December 17, 2001, concerning your compliance with 10 CFR 20.1801 which requires that a licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. Mr. Ron Levy of the U.S. Army Garrison/Transition Force at Fort McClellan, Alabama and Mr. Mike Styvaert of the Operations Support Command in Rock Island, Illinois also participated in the call. The Department of the Army discovered licensed material, with contact dose rates greater than one roentgen per hour, at the Pelham Range at Fort McClellan, Alabama, during decommissioning activities and failed to secure it from the end of August until December 14, 2001. The NRC was advised of this situation by a representative from the State of Alabama's Department of Public Health.

Pursuant to the telephone conversation, it is our understanding that you will take the following actions:

- 1) Maintain the licensed material secured from unauthorized removal or access.
- 2) Fully characterize and dispose of the licensed material.
- 3) Provide additional oversight of the decommissioning activities at Fort McClellan. This shall include, at a minimum, a weekly phone call between the contractor and the Radiation Safety Officer and a monthly visit to Fort McClellan by the Radiation Safety Officer. The Radiation Safety Officer shall be advised immediately of any unusual findings or events and shall take corrective actions promptly.
- 4) Provide this office, within seven days of the date of this letter, a written response detailing the methods by which item numbers 1, 2 and 3 will be accomplished and the dates when they will be completed. Include a description of the type and activity of the material that was found and is stored at Fort McClellan, and amend your materials license to possess the quantity of licensed material, if it exceeds the current license limits.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of NRC's "Rules of Practice," a copy of this letter and your response will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/ADAMS.html> (the Public Electronic Reading Room).

Sincerely,
/RA/

Douglas M. Collins, Director
Division of Nuclear Materials Safety

Docket No. 030-17584
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cc: State of Alabama

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