



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
US ARMY CHEMICAL SCHOOL
401 MANSCEN LOOP
FORT LEONARD WOOD, MISSOURI 65473-8926

March 14, 2002

Health Physics Office

Ms. Orysia Masnyk Bailey
U. S. Nuclear Regulatory Commission, Region II
Division of Nuclear Materials Safety
Sam Nunn Atlanta Federal Building
61 Forsyth Street SW Suite 23T85
Atlanta, GA 30303-8931

Dear Ms. Bailey:

This is the written response to the apparent violation in Inspection Report 01-02861-05/01-03 dated February 12, 2002. I hereby affirm that the following information is true and correct to the best of my knowledge and belief.

The inspection report identified three apparent violations. These apparent violations were also addressed in a Confirmatory Action Letter (CAL) dated December 18, 2001. On January 14, 2002, NRC inspectors determined that the licensee had met the requirements in the CAL. Apparent violations, corrective actions taken, and date of full compliance are as follows:

- a. Apparent violations: Exceeding the possession limit for Cobalt 60 listed on the materials license, failure to secure licensed material from unauthorized access or removal, and failure to notify NRC as required by 10 CFR 20.2203.
- b. Reason for apparent violations: The activity for Cobalt 60 in the license was based upon the activity in soil samples taken during the site investigation prior to the start of remediation. The contract company, Allied Technology Group (ATG), during remediation found several radioactive sources in late August but failed to inform the license RSO. The ATG site manager stored the sources in a container covered with a mound of soil and clearly marked. He felt this was adequately secure and in keeping with the decommissioning plan. The license RSO had been on site August 4-8, 2001, to inspect operations, and only contaminated soil had been found. Due to increased workload after September 11, 2001, no onsite inspections were conducted during the last quarter. The NRC contacted the ATG contractor in mid-September but neither the ATG contractor nor the NRC contacted the licensee. The license RSO and management were not informed that sources had been found until December 14, 2001.
- c. Corrective steps taken and the results achieved: On December 14, 2001, the license RSO contacted ATG, and the sources were secured in a locked trailer on site. On December 21, 2001, the licensee requested an amendment to the license requesting that the amount of Cobalt 60 on the license be increased from 8 milliCuries to 50 milliCuries. The total activity of the material

found was 34 milliCuries. The sources were shipped off for disposal on January 10-11,2002. A 30 day report was sent to the NRC on January 14, 2002.

d. Corrective steps taken to avoid further violations: The licensee will contact the ATG contractor by telephone weekly and will make a site visit to inspect the contractor at least monthly.

e. Date when full compliance will be achieved: Full compliance was achieved by January 14, 2002.

If you have any questions or require clarification on any of the information above, contact Mr. John May at (573) 596-0131 extension 3-6224.

Sincerely,



Patricia L. Nilo
Brigadier General, U.S. Army
Commandant

State of Missouri
County of Pulaski
On this 14th day of MARCH 2002
before me personally appeared
Patricia L. Nilo
to me known to be the person who executed the
foregoing instrument, and acknowledged that he
executed the same as his free act and deed.
SEAL (signed) Shari L. Lindsay
Notary Public

SHARI L. LINDSAY
Notary Public - State of Missouri
County of Laclede
My Commission Expires Jul. 26, 2005