



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005**

May 4, 2005

Department of the Army  
Corpus Christi Army Depot  
Attn: Patrick A. Czerwinski, AMSAM-DS-SE  
308 Crecy Street MS-23  
Corpus Christi, Texas 78419-5260

**SUBJECT: NRC INSPECTION REPORT 040-08177/05-001 AND NOTICE OF VIOLATION**

Dear Mr. Czerwinski:

This refers to the inspection conducted on April 20, 2005, at your facility in Corpus Christi, Texas. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. The inspection findings were discussed with you and members of your staff at the conclusion of the inspection. A final telephonic exit brief was conducted with you on April 27, 2005.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The violation is being cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection, rather than being self-identified by the licensee.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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.

Corpus Christi Army Depot

- 2 -

Should you have any questions concerning this inspection, please contact Mr. Rick Muñoz at (817) 260-8220 or the undersigned at (817) 860-8287.

Sincerely,

***/RA RABrown/***

Jeffrey Cruz, Chief  
Nuclear Materials Inspection Branch

Docket No.: 040-08177

License No.: STB-1168

Enclosures:

1. Notice of Violation
2. NRC Information Notice 96-28
3. NRC Enforcement Policy, NUREG-1600

cc w/Enclosure 1:

Texas Radiation Control Program Director

bcc w/Enclosure 1 (via ADAMS distrib):

LDWert

CLCain

JCruz

JEWhitten

RRMuñoz

KEGardin

NMIB

RIV Materials Docket File (5<sup>th</sup> floor)

SISP Review Completed: RRM

ADAMS:  Yes  No Initials: RRM

Publicly Available  Non-Publicly Available  Sensitive  Non-Sensitive

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RIV:DNMS:NMIB	C:NMLB	C:NMIB
RR Muñoz	JEWhitten	J Cruz
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05/03/05	05/04/05	05/04/05

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## ENCLOSURE 1

### NOTICE OF VIOLATION

Department of The Army  
Corpus Christi Army Depot  
Corpus Christi, Texas

Docket No. 040-08177  
License No. STB-1168

During an NRC inspection conducted on March 20, 2005, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

License Condition 14 requires, in part that material be used in accordance with statements and procedures contained in your letter dated August 26, 2003, which included the Corpus Christi Army Depot radiological safety and health program. Section 1-16.e, "Radiation Accidents/Incidents", states the Corpus Christi Army Depot will conduct or participate in a radiation emergency test exercise annually as a minimum. A record of this exercise will be maintained in the IRSO's files.

Contrary to the above, the licensee failed to conduct an emergency response drill for the period covering calendar years 2000 through 2004.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Corpus Christi Army Depot, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it 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, then 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 material, 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 04<sup>th</sup> day of May 2005.