

September 26, 2011

EA-11-175

Mr. Thomas E. Mohr
Radiological Emergency Program Manager
State of Missouri
Emergency Management Agency
P.O. Box 116
Jefferson City, MO 65102

SUBJECT: NOTICE OF VIOLATION – STATE OF MISSOURI EMERGENCY
MANAGEMENT AGENCY; NRC INSPECTION REPORT
NO. 03007247/2011-002(DNMS)

Dear Mr. Mohr:

This refers to a U.S. Nuclear Regulatory Commission (NRC) inspection, conducted on July 12, 2011, at your facility located in Jefferson City, Missouri. The purpose of the inspection was to follow up on a security-related issue. During the inspection, an apparent security-related violation of NRC requirements was identified by the NRC inspectors. The circumstances surrounding the violation, the significance of the issue, and the need for lasting and effective corrective actions were discussed with you during a telephonic exit meeting on July 12, 2011. Details regarding the apparent violation were provided in NRC Inspection Report No. 03007247/2011-002(DNMS) dated August 9, 2011.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a Predecisional Enforcement Conference or by providing a written response before we made our final enforcement decision. In a letter dated September 6, 2011, you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your September 6, 2011, response to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1) and the circumstances surrounding it are described in detail in the subject inspection report.

The violation is of concern to the NRC for the reasons stated in Enclosure 2. Therefore, the violation has been categorized, in accordance with the NRC Enforcement Policy, as a Severity Level III violation. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3500 is normally considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process described in Section 2.3.4 of the

The Enclosures contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is decontrolled.
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T. Mohr

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Enforcement Policy. As stated in Enclosure 2, your response described the corrective actions taken to correct the violation. Based on your corrective actions, the NRC has determined that *Corrective Action* credit is warranted.

Therefore, to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding the reason for the violation, the corrective action taken and planned to correct the violation and to prevent recurrence, and the date when full compliance was achieved, was adequately addressed on the docket in Inspection Report No. 03007247/2011-002(DNMS) and in your response dated September 6, 2011. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective action or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice. Additionally, if you choose to respond, please mark your entire response "Security-Related Information – Withhold from Public Disclosure under 10 CFR 2.390." In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for any response to this letter. However, to the extent possible, your response, if any should not include any personal privacy, proprietary, or safeguards information.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the Security-Related Information contained in the enclosures, and in accordance with 10 CFR 2.390, copies of the enclosures will not be available for public inspection. Additionally, the enclosures must be protected from unauthorized disclosure. Security-Related Information is discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (ML053480073), which is available on the NRC Web site.

Sincerely,

/RA/

Mark A. Satorius
Regional Administrator

Docket No. 030-07247
License No. 24-07974-03

Enclosures:

1. Notice of Violation (Non-Public)
2. Final Determination of Significance (Non-Public)

cc w/encls: James Kammerer, Radiation Safety Officer
State of Missouri

~~Official Use Only – Security-Related Information~~

T. Mohr

-2-

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cc w/encls: James Kammerer, Radiation Safety Officer
State of Missouri

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DATE	09/14/11	09/14/11	09/15/11	09/23 /11	09/26/11	09/26/11

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¹ OE concurrence received via e-mail from K. Day on September 23, 2011.

Letter to Thomas E. Mohr from Mark A. Satorius dated September 26, 2011

SUBJECT: NOTICE OF VIOLATION – STATE OF MISSOURI EMERGENCY
MANAGEMENT AGENCY; ROUTINE INSPECTION REPORT
NO. 03007247/2011-002(DNMS)

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