



DEPARTMENT OF THE ARMY  
INSTALLATION MANAGEMENT COMMAND  
US ARMY GARRISON-ROCK ISLAND ARSENAL  
1 ROCK ISLAND ARSENAL  
ROCK ISLAND, ILLINOIS 61299-5000

JUN 25 2013

REPLY TO  
ATTENTION OF:

Office of the Garrison Commander

Dr. McLaughlin  
ATTN: Document Control Desk  
Director, Office of Federal and State Materials and Environmental Management  
Programs  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Dr. McLaughlin:

This is my "Reply to a Notice of Violation, IR 04008838/2013001(DNMS)." Your docket number is 40-08838. My detailed response is enclosed.

You may contact Dr. Robert Cherry, JPG License Radiation Safety Officer, for additional information at 210-466-0368 or by email at robert.cherry@us.army.mil.

Sincerely,

Enclosure

  
Elmer Speights, Jr.  
Colonel, US Army  
Commanding

Copy furnished:  
Regional Administrator, US Nuclear Regulatory Commission  
Region III, 2443 Warrenville Road, Suite 210, Lisle, Illinois 60532-4352

IEU7  
RGM 3

1. Violation A

From “the end of 2010 until the present, the licensee failed to have a three-person site management team that was a part of the staff of the Rock Island Arsenal, Rock Island, IL, with a duty station at JPG.”

a. Reason for violation

The Army did not replace members of the three-person site management team as they retired. Even before the first team member retired, the US Fish and Wildlife Service (FWS) and the Indiana Air National Guard (INANG) performed almost all of the DU impact area site control and security duties per formal interagency agreements. These agreements remain in effect. Thus, the Army did not recognize the need to change the 2003 Jefferson Proving Ground Security Plan to reflect the new staffing situation.

b. Corrective steps that have been taken

The Army submitted to HQ NRC a transmittal letter, an NRC Form 313, and a new “Radiation Safety Plan for Jefferson Proving Ground Depleted Uranium Impact Area.” All have the date June 21, 2013.<sup>1</sup>

c. Corrective steps that will be taken

Upon NRC approval, the new radiation safety plan (RSP) will replace the 2003 security plan. It does not mention a three-person site management team. The Army will implement the new RSP when the NRC approves it.

d. Date when full compliance will be achieved

The Army will achieve full compliance when the NRC approves the new RSP. The NRC may ask for additional information about the RSP or require revisions to it, which would delay implementation.

2. Violation B

From “October 28, 2010 until approximately December 14, 2010, the licensee failed to keep licensed material under the supervision of an RSO who had the education, training, and experience as stated on Condition 11.A of the license. Specifically, the licensee appointed an RSO who did not have the health physics experience or the specialized knowledge required by Conditions 11.A.2 and 11.A.3 of the license.”

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<sup>1</sup> The license RSO can provide copies of these documents upon request before they become otherwise available on the NRC website.

a. Reason for violation

The HQ Department of the Army, Assistant Chief of Staff for Installation Management (ACSIM), Base Realignment and Closure (BRAC) office provided funding, oversight, and, from 2003 until 2010, the license RSO for the JPG decommissioning process that began in 1995. A USAG RIA garrison commander or garrison manager<sup>2</sup> has held the license for the Army since 2003.

Prior to the retirement of the license RSO in November 2010, the ACSIM BRAC Office, with the retiring RSO endorsement, recommended the appointment of an individual within the ACSIM BRAC Office as the RSO to the USAG RIA garrison manager, who made the appointment in October 2012. This individual had extensive academic (PhD in chemistry) and scientific education and experience.

Upon the NRC request to provide his qualifications to be the RSO, the Army belatedly realized that this individual did not have the required health physics qualifications; thus, he was not qualified to be the RSO. Upon that realization, the ACSIM BRAC Office and USAG RIA garrison manager immediately went to work to identify and appoint a qualified RSO. The ACSIM BRAC Office asked a US Army Corps of Engineers health physicist to provide license RSO services under contract. That health physicist notified the Army Installation Management Command (IMCOM) radiation safety staff officer (RSSO). The IMCOM RSSO determined that the license RSO should be a member of the USAG RIA garrison manager's staff, not someone beyond his authority. This would help assure that license RSO keeps the license holder's best interests in mind, in case they conflict with the BRAC project manager's interests, during the decommissioning process. However, the garrison manager did not have a person qualified to be the license RSO on his staff. Hence, the IMCOM RSSO volunteered to be license RSO to keep the RSO function within IMCOM at least.

By the time all this transpired, the licensee failed to meet the 30-day notice requirement for a new qualified license RSO.

b. Corrective steps that have been taken

The USAG RIA garrison manager designated a qualified license RSO and so informed the NRC on December 14, 2010.

c. Corrective steps that will be taken

The new RSP reinforces license condition 11. It will go into effect upon NRC approval. In addition, the current license RSO will assure that a qualified health physicist is immediately

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<sup>2</sup> This document mentions both "garrison manager" and "garrison commander" as the license holder and the top garrison official. When the top garrison official is an Army civilian, he or she is the "garrison manager." When the top official is an Army commissioned officer, which is the case since June 11, 2013, he or she is the "garrison commander."

available to replace him when the need arises. He will draft the appropriate notice from the USAG RIA garrison commander to the NRC at that time.

d. Date when full compliance will be achieved

The Army is now in full compliance.

3. Violation C

Since "December 2003 until the present, the licensee failed to provide the required training to onsite personnel and visitors as specified in the JPG Security Plan. Specifically, the NRC license Radiation Safety Officer had not provided DU safety training to site management personnel since the end of 2010 and the training provided to visitors since approximately 2003 did not cover all of the required DU safety briefing topics, as required by the JPG Security Plan."

a. Reason for violation

Paragraph 9e(1) of the Security Plan says, "All site management personnel have been given DU safety training by the NRC license Radiation Safety Officer." Earlier in paragraph 3d, the Security Plan says, "JPG is managed by a three-person site management team." The implication is that the three-person team *had already received* the paragraph 9e(1) training. The Security Plan does not require refresher DU safety training for the team. No new members joined the team. The Security Plan also does not require training for any other site personnel, such as FWS and INANG personnel. Granted, these are technicalities, but, based on those technicalities, the Army respectfully asks the NRC to delete or modify this violation as it relates to site personnel. Nevertheless, the Army agrees that FWS and INANG personnel should receive initial and refresher "DU safety training" and intends to provide that training at the next opportunity. This is because the Army is relying on agreements with the FWS and INANG to maintain site security and control.

Paragraph 9e(2) of the Security Plan clearly shows training requirements for visitors. The Army can provide no reason for the violation other than it might be due to a misunderstanding as follows.

As the inspector agreed during the inspection, the FWS presentation for visitors includes strong warnings to stay out the unexploded ordnance (UXO) areas and to visit only the areas designated on the visitor pass. Since the UXO areas surround and include the DU impact area, the explicit order to stay out of the UXO areas is also an implicit order to stay out of the DU impact area. The license RSO received verification for the NRC inspector that the FWS is not aware of any visitor intrusion into the DU impact area since the FWS assumed site access control of visitors. The above implies that formal "DU safety training" of visitors is unproductive. However, the Army believes that it should make visitors aware of the presence of DU at JPG.

b. Corrective steps that have been taken

The Army has submitted a new RSP that modifies training requirements. The new RSP also requires the license RSO to produce training SOPs that will allow site personnel to receive initial training and to provide required training to visitors in his absence.

c. Corrective steps that will be taken

The license RSO will begin implementing the new training requirements following NRC approval of the RSP. Site workers (FWS and INANG personnel) will receive initial (when possible) and annual refresher training from the license RSO. The license RSO will prepare training tailored for visitors in the form of a simple handout that the FWS can provide to visitors as part of the FWS- training required for entry into the wildlife refuge area.

d. Date when full compliance will be achieved

The Army will achieve full compliance within 45 days after the NRC approves the new RSP.

4. Responses to NRC comments in the notice of violation

Comment	Response
Please "describe the actions taken or planned to enhance management involvement and oversight of the radiation protection program and ensure that the program is properly implemented."	As stated above, the IMCOM RSSO determined that the USAG RIA garrison manager did not have proper representation to monitor compliance with the NRC license for which he was responsible. Historically, he had been completely reliant on the ACSIM BRAC office for that support. By designating a license RSO who is not responsible to the ACSIM BRAC office, he has enhanced his "management involvement and oversight." He and the IMCOM commander will assure that the license RSO continues to report directly to the garrison manager or garrison commander on NRC license compliance matters.
A "minor violation was identified for failure to have a documented radiation protection program."	In a sense, the 2003 JPG Security Plan, although not titled as such, served as a "documented radiation protection program." The license RSO concurred with the NRC inspector that the Security Plan was inadequate as a radiation safety plan. The Army submitted a new radiation safety plan on June 21, 2013. Upon NRC approval of the plan, the Army will have an improved documented radiation protection program.
A "minor violation was identified for failure to submit an adequate amendment request to the NRC."	The license RSO accepts sole and full responsibility for this error. The error occurred because his previous experience as a license RSO in the 1980s was at a time when the NRC accepted letter requests for minor license modifications in lieu of NRC Form 313. He will never repeat this error. (He also learned that perhaps the requested modification was not "minor.")

Comment	Response
"... actions were being taken to try to procure GM pancake probes better suited for contamination surveys."	The GM pancake probes are now available for contamination surveys.
"FWS personnel have no access to the Army survey equipment, have not been trained on the use of the survey equipment, and were not aware of the JPG Security Plan contamination monitoring requirement."	The license RSO concurs with these observations. He will correct all of these shortcomings during his next visit. He will include these topics in the training SOP.