



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

September 30, 2015

Docket No. 030-38471  
EA-15-169

License No. 19-31447-01

Steven C. Hart  
Director, Directorate for Safety  
Department of the Army  
US Army Communications-Electronics Command  
ATTN: AMSEL-SF-R  
3200 Raritan Avenue  
Aberdeen Proving Ground, MD 21005

**SUBJECT: CLOSE-OUT OF OPEN ITEM FROM NRC INSPECTION REPORT NO.  
030-38471/2014-001 AND EXERCISE OF ENFORCEMENT DISCRETION,  
DEPARTMENT OF THE ARMY, US ARMY COMMUNICATIONS-  
ELECTRONICS COMMAND, ABERDEEN PROVING GROUND, MARYLAND  
AND THE MULTIPLE ARMY NATIONAL GUARD LOCATIONS**

Dear Mr. Hart:

This letter provides you the close-out of an open item documented in NRC Inspection Report No. 030-38471/2014-001 dated September 18, 2015 (ML15266A171) involving the failure to notify the NRC within 60 days in accordance with 10 CFR 30.36(d)(4) when no principal activities occurred in a separate building in 24 months. Because the devices which remained in separate buildings were not used for more than 24 months, and no other principal activities were performed in the separate buildings, the presence of the devices would result in the buildings being unsuitable for release. Therefore, the Department of the Army US Army Communications-Electronics Command (CECOM), was required to notify the NRC of this in accordance to 10 CFR 30.36(d)(4), however, no such notification was provided prior to the inspection.

After careful consideration of the information gathered during the inspection, the NRC has concluded that CECOM was actually doing planned principal activities as intended, because their December 11, 2013, license renewal application described the CECOM activities to include bulk storage, distribution and other material life cycle functions for the licensed commodities. The description of these activities was included in the "Facilities and Equipment" and "Radiation Safety Program" sections of the application, and not included in the section "Purpose for Use of Radioactive Commodities." As a result, when the license renewal was issued by the NRC, it did not include these activities as principal activities and only included the uses of the devices such as detection, analysis, or calibration. When inspectors identified that devices at some locations had been stored but not used for more than 24 months, this appeared to be a violation of the 10 CFR 30.36(d)(4).

In accordance with the NRC Enforcement Policy (Policy), a violation of 10 CFR 30.36(d)(4) involving the type of devices authorized would normally be categorized at Severity Level IV. However, the NRC considered that CECOM's license renewal application did describe the need

to store devices for the conduct of military operations including contingency or emergency purposes; and for the management and performance of material life cycle functions and services. The NRC did not fully appreciate the specifics of CECOM's operations and the license was written using a standard format that did not accurately capture the intended storage for readiness and life cycle management as a principal activity.

Therefore, after consultation with the Director, Office of Enforcement, I have been authorized to exercise enforcement discretion in accordance with Section 3.5 of the NRC Enforcement Policy (Violations Involving Special Circumstances) and refrain from issuing enforcement for the violation. During a telephone conversation on September 21, 2015, Betsy Ullrich of my staff informed Craig Goldberg of your organization of this conclusion. Additionally, since the inspection, the license was amended to authorize, as a principle activity for the devices listed on your license, the Army-wide possession, use and storage for the conduct of military operations including contingency and emergency purposes; and for the management and performance of material life cycle functions and services.

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 document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

No further action or response is required on your part. Please contact Betsy Ullrich at (610) 337-5040 if you have any questions regarding this matter.

Sincerely,

*/RA B. D. Welling for/*

Daniel S. Collins, Director  
Division of Nuclear Materials Safety

cc: Craig S. Goldberg, Radiation Safety Officer  
State of Maryland



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*/RA B. D. Welling for/*

Daniel S. Collins, Director  
Division of Nuclear Materials Safety

cc: Craig S. Goldberg, Radiation Safety Officer  
State of Maryland

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