



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

December 6, 2017

EA-17-146

Sherry J. Davis, Director, ESOH Office
Department of Defense
Defense Threat Reduction Agency (DTRA)
8725 John J. Kingman Road
Fort Belvoir, VA 22060-6201

SUBJECT: DEPARTMENT OF DEFENSE, DEFENSE THREAT REDUCTION AGENCY
(DTRA) - NRC INSPECTION REPORT NO. 03035668/2017002

Dear Ms. Davis:

This letter refers to the inspection conducted on August 10, 2017, at your Fort Belvoir, Virginia facility, with continued in office review through November 8, 2017. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm 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.

Based on the results of this inspection, three apparent violations involving the loss of material reported by DTRA to the NRC on August 2, 2017, were identified and are described in the enclosed report. The apparent violations are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrections are described in the enclosed inspection report and were discussed with members of your staff at the inspection exit meeting on November 8, 2017.

As a result, it may not be necessary to conduct a pre-decisional enforcement conference (PEC) in order to enable the NRC to make an enforcement decision. Because your facility has not been the subject of escalated enforcement actions within the past two years and two inspections, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violations in writing, (2) request a PEC, or (3) accept the violations as characterized in this letter and its enclosure (in which case the NRC will proceed with its enforcement decision). Please contact Craig Gordon, Acting Chief, Commercial, Industrial, R&D, and Academic Branch at (610) 337-5216 within 10 days of the date of this letter to notify the NRC whether you are interested in providing a written response, attending a PEC, or accepting the violations.

The enclosure contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is DECONTROLLED.

S. Davis

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If you choose to provide a written response, it should be sent to the NRC within 30 days of the date of this letter. Your response may reference or include previously docketed correspondence. It should be clearly marked as a "Response to Apparent Violations in Inspection Report No. 03035668/2017002; EA 17-146" and sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406.

If you choose to request a PEC, the meeting should be held in our office in King of Prussia, PA within 30 days of the date of this letter. The PEC will afford you the opportunity to provide your perspective on the apparent violations and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether the violations occurred, information to determine the significance of the violations, information related to the identification of the violations, and information related to any corrective actions taken or planned to be taken. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is included on the NRC's Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>, may be helpful. If a PEC is held, the NRC will issue a press release to announce the time and date of the conference; however, it will not be open for public observation since Security-Related Information may be discussed.

Please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

The material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not 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>. If Security Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Current NRC regulations and guidance are included on the NRC's Web Site at 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 Web Site at 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).

S. Davis

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If you have any questions regarding this matter, please contact Michael Reichard of my staff at 610-337-6945 or via electronic mail at michael.reichard@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety
Region I

Docket No. 03035668
License No. 45-25551-01

Enclosure:
Inspection Report No. 03035688/2017002

cc w/Encl: Brian J. Stroh, RSO
State of Virginia

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S. Davis

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If you have any questions regarding this matter, please contact Michael Reichard of my staff at 610-337-6945 or via electronic mail at michael.reichard@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety
Region I

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State of Virginia

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*see previous concurrence