



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

October 10, 2019

Mr. Tony Russell, CEM  
Superintendent  
Department of Homeland Security  
Federal Emergency Management Activity  
Center for Domestic Preparedness  
61 Responder Drive  
Anniston, AL 36205

SUBJECT: DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY  
MANAGEMENT ACTIVITY, CENTER FOR DOMESTIC PREPAREDNESS -  
NRC INSPECTION NO. 03037827/2019001 AND NOTICE OF VIOLATION

Dear Mr. Russell,

This letter refers to the inspection conducted on June 20, 2019 at your Anniston, Alabama, location to include the Main Responder Complex (MRC) at 61 Responder Drive, the Chemical, Ordnance, Biological, Radiological Training Facility (CTF) at 801 Walt Philips Road, and the Nobel Training Center (NTC) at 490 Care Drive. 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. The inspection continued with an in office review of additional documentation provided through September 17, 2019.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred including the failure to take leak tests on sealed sources and maintain inventory records as required. These violations were evaluated 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 violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance will be achieved is already adequately addressed on the docket and include: completion of leak tests for your sealed sources not in storage and analysis of those leak tests demonstrating that all sealed sources measured less than 0.005 uCi of activity; and the revision of your inventory list to include all required information such as the radionuclide, radioactivity quantities, manufacturer's name and model number. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, 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 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.

If you have any questions regarding this matter, please contact James Cassata of my staff at 610-337-5303 or via electronic mail at [james.cassata@nrc.gov](mailto:james.cassata@nrc.gov).

Thank you for your cooperation.

Sincerely,

*/RA/*

Anne Defrancisco, Acting Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 03037827  
License No. 01-31331-01

Enclosure:  
Notice of Violation

John Blandamer, Radiation Safety Officer  
State of Alabama

DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT  
ACTIVITY, CENTER FOR DOMESTIC PREPAREDNESS - NRC INSPECTION NO.  
03037827/2019001 AND NOTICE OF VIOLATION DATED October 10, 2019

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DATE	8/20/2019	10/10/19			

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## **NOTICE OF VIOLATION**

Department of Homeland Security  
Federal Emergency Management Activity  
Center for Domestic Preparedness  
Anniston, Alabama

Docket No. 03037827  
License No. 01-31331-01

During an NRC inspection conducted on June 20, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. NRC License 01-31331-01, Amendment No. 2, Condition 14 A. requires, in part, that sealed sources shall be tested for leakage or contamination at intervals specified in the certificate of registration. The certificate of registration (NR-8097-S-801-S) for the sealed sources possessed by the licensee requires leak testing every 6 months.

Contrary to the above, the licensee failed to leak test sealed sources at the required intervals. Specifically, Cesium-137 sealed sources were not leak tested between June 27, 2018, and June 20, 2019, an interval greater than 6 months.

This is a Severity Level IV violation (Enforcement Manual Section 6.3)

- B. NRC License 01-31331-01, Amendment No. 2, Condition 15, requires, in part, that records of inventories include the radionuclide, quantities, manufacturer's name and model number, and the date of the inventory.

Contrary to the above, for the period between July 28, 2014 and June 20, 2019, the licensee had not maintained records of inventories that include the radionuclide, quantities, manufacturer's name and model number. Specifically, the licensee's records of inventories did not consistently include the radionuclide, quantities, manufacturer's name and model number for the licensed radioactive material in the licensee's possession. Radiation inventories that include radioactive isotope and activity are required to ensure the licensee does not exceed the established limits of possession assigned by their NRC license. Radiation inventories that include manufacturer's name and model number are required for accurate accounting of the sources in the licensee's possession.

This is a Severity Level IV violation (Enforcement Manual Section 6.3).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington,

Notice of Violation  
Department of Homeland Security,  
Federal Emergency Management Activity,  
Center for Domestic Preparedness

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DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 10<sup>th</sup> day of October 2019