



DEPARTMENT OF THE ARMY
 HEADQUARTERS, U.S. ARMY ARMAMENT, MUNITIONS AND CHEMICAL COMMAND
 ROCK ISLAND, ILLINOIS 61299-6000



January 26, 1994

REPLY TO
 ATTENTION OF

Safety Office

SUBJECT: REPLY TO A NOTICE OF VIOLATION (NUCLEAR
 REGULATORY COMMISSION INSPECTION REPORT
 NO. 030-13027/93002 (DRSS) AND
 030-21073/93001 (DRSS))

Director
 Office of Enforcement
 U.S. Nuclear Regulatory Commission
 Attention: Document Control Desk
 Washington, D.C. 20555

Dear Sir:

This responds to your letter of December 28, 1993, referring to Docket Numbers 030-12027 and 030-21073, License Numbers 12-00722-06 and 12-00722-13. Enclosure 1 are specific responses to the nine violations resulting from the October 19 to November 9, 1993, inspection of the Marine Corps Logistics Base, Barstow, California.

The Notice of Violation specifically addressed deficiencies at Barstow. The conclusion provided from the notice, enforcement conference, and the December 28, 1993, letter was that the U.S. Army Armament, Munitions and Chemical Command radiation safety program was lacking in thorough review and enforcement of regulation and license requirements as pertaining to By-Product Material License 12-00722-06. This Command is committed to the health and safety of personnel using commodities containing radioactive material. Enclosure 2 is a discussion of specific commitments with associated schedules of action.

The Army uses a different method to license radioactive commodities than that used by the Navy or the Air Force. The Army's method makes good sense from a logistics point of view, since each required license is held by the organization which performs the commodity management. There are several commands managing radioactive commodities which have Nuclear

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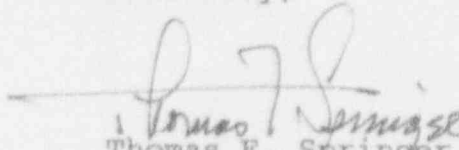
Regulatory Commission licenses. Due to military command structure, the commodity commands may not have direct authority to users of licensed radioactive commodities. Enclosure 3 are charts depicting the military command structure and the relationships between various Army/Department of Defense Organizations.

The Barstow site violations have specific corrective actions and completion dates, with the paragraphs A.8 and B findings not complete. The more extensive license renewal actions will require more time for accomplishment. Per the enforcement conference, specific guidance will be sought from the Commission in preparing license renewals, and performing overhaul of the Command radiation safety program.

Enclosure 4 is the payment of the civil penalty.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 26, 1994.

Sincerely,


Thomas F. Springer
Colonel, GS
Chief of Staff

Enclosures

Copy Furnished:
Regional Administrator, Nuclear Regulatory Commission,
Region III, Attention: Mr. John B. Martin,
801 Warrenville Road, Lisle, Illinois 60532-4351

SUBJECT: Reply to a Notice of Violation

1. Paragraph A.1:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in (three) workers not being included in the bioassay program.

(3) A reevaluation of personnel utilization has been performed, and all full radiation storage personnel have been placed in the bioassay program as of 28 October 1993.

(4) Coverage of protective measures for personnel involved in the various aspects of working with licensed materials has been made an element of the inspection/audit protocols.

(5) Full compliance has been achieved.

2. Paragraph A.2:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to provide orientation and indoctrination to several personnel.

(3) A review of personnel utilization has been made, and those requiring training were trained on 1 and 5 November 1993.

(4) Review of training records for personnel involved in the various aspects of working with licensed materials has been made an element of the inspection/audit protocols.

(5) Full compliance has been achieved.

3. Paragraph A.3:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to conduct an inventory of radioactive items once every 6 months.

(3) An inventory was performed on 25 October 1993 and will continue at 6-month intervals.

(4) Review of inventory requirements at a user location has been made an element of the inspection/audit protocols.

Enclosure

(5) Full compliance has been achieved.

4. Paragraph A.4:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to provide Division Radiation Safety Office (RSO) with information on receipts of radioactive items and log entries each week.

(3) Information is being passed to Division RSO.

(4) Review of information dissemination requirements at a user location has been made an element of the inspection/audit protocols.

(5) Full compliance has been achieved.

5. Paragraph A.5:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to conduct quarterly practice drills utilizing the Safety/Emergency/Decontamination Procedure within the attachment.

(3) Emergency drill was held on 11 January 1994 and will be held quarterly as required by license.

(4) Review of required emergency response activities at a user location has been made an element of the inspection/audit protocols.

(5) Full compliance has been achieved.

6. Paragraph A.6:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to have a radioactive material storage area approved and properly marked.

(3) Base RSO has reviewed all storage locations.

(4) Review of known storage areas at a user location, as well as discussion with maintenance/storage personnel of storage locations, has been made an element of the inspection/audit protocols.

(5) Full compliance has been achieved.

7. Paragraph A.7:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to maintain in a single location a complete log of all radioactive material in stock.

(3) An inventory is being maintained in accordance with the license requirements as set forth in the attachment.

(4) Review of inventory records for completeness, of both location and other required information has been made an element of the inspection/audit protocols.

(5) Full compliance has been achieved.

8. Paragraph A.8:

(1) Licensee acknowledges the finding.

(2) Failure to interpret an attachment to the license amendment application literally and fully resulted in failure to set a tritium air monitor to 2×10^{-7} microcurie/cc as specified in the attachment.

(3) The air monitor remains set at 5×10^{-6} microcurie/cc, as this level is attainable on the Johnson Model No. 955B, and the value specified in the attachment is not. An amendment letter will be submitted separately to request that the license be amended to read 5×10^{-6} microcurie/cc on page 2, change 1. chapter 6, paragraph 601e(5). This amendment will make all references to set point for Johnson Tritium Air Monitors referenced in the license be the same.

(4) The Army has initiated actions to cause peer review of commodity licenses by other commodity commands and Army organizations to ensure license commitments are on track.

(5) At Barstow, when the amendment is received, full compliance will be achieved.

9. Paragraph B:

(1) Licensee acknowledges the finding.

(2) Failure to know and understand part of Condition 10 of BML 12-00722-13 resulted in the bulk storage of 26 chemical agent detectors, M8A1's, at Marine Corps Logistics Base, Barstow, which was not licensed as a bulk storage location.

(3) Items were shipped on 26 October 1993 to Marine Corps Logistics Base, Albany, for proper licensed storage.

(4) This violation shows that all users need to be more aware of the requirements of the 12-00722-13 license. A letter is being sent to the user community discussing the U.S. Army Armament, Munitions and Chemical Command violations, and user responsibilities under Nuclear Regulatory Commission licenses.

(5) Full compliance will be achieved by 28 February 1994, when all users will be more aware of NRC requirements.

Discussion of Specific Commitments

A review of our Command license radiation safety program was performed. The following illustrates actions planned to ensure the health and safety of personnel using U.S. Army Armament, Munitions and Chemical Command licensed commodities:

a. The Army must better use all resources to ensure health and safety through compliance to commodity licenses at all user locations. The enclosed audit schedule reflects this direction.

b. License 12-00722-06 must be amended to clearly provide all concerned with the requirements which provide a solid core of protective actions ensuring the health and safety of personnel. Enclosed is a schedule of actions to achieve this goal.

c. Consistent training must continue to ensure all concerned are aware of current License 12-00722-06 requirements and tritium characteristics. Four classes have been scheduled. Each class will be 3 days in length. These classes will be presented across the United States to ensure good user participation.

d. Historically, checklists have been used by safety personnel to assess the condition of radiation safety programs at user installations. These lists are being updated for use by other Army agencies to better provide a way to assess compliance to this Command's radioactive commodity licenses. The Army also uses checklists in accordance with Army Regulation as a means for a commander to ensure compliance to a program at his installation. Checklists pertaining to radioactive commodity license programs will be added to checklists already in use by the Army. Enclosed is a schedule of actions to achieve this goal.

e. Support of all Command licenses must be increased in order to ensure compliance. The Army remains in a situation where the total size of the civilian and military work force is being reduced. Special action was taken to hire an additional health physicist, bringing the total of health physicists working the commodity licenses at this Command to four.

Enclosure 2

Audit Schedule

The Army's audit schedule reflects work by several organizations and is utilized by all Army Nuclear Regulatory Commission licensees to review the use of commodities containing licensed radioactive material.

The schedule was developed by the organization performing the work. NOTE: In all cases, schedules presented are tentative. They do, however, provide an indication of the extent of the Army reviews.

1. The U.S. Army Communications and Electronics Command, Fort Monmouth, New Jersey, performs audits of the radiation safety program of the U.S. Army National Guard. The National Guard uses Army-licensed radioactive commodities.

<u>1994 Dates</u>	<u>Locations</u>
14 February - 18 February	Oklahoma/Texas
28 February - 4 March	North Carolina/South Carolina
7 March - 11 March	Kentucky/Missouri
14 March - 18 March	Idaho/Oregon
21 March - 25 March	Massachusetts/New Hampshire
4 April - 8 April	North Dakota/South Dakota
18 April - 22 April	Maine/Vermont
25 April - 29 April	Delaware
2 May - 6 May	Michigan/Ohio
6 June - 10 June	Minnesota/Wisconsin
8 August - 12 August	New Jersey
15 August - 19 August	Alabama/Tennessee
12 September - 16 September	Pennsylvania

2. The U.S. Army Environmental Hygiene Agency, Edgewood, Maryland, performs audits of the Defense Logistics Agency radiation safety program. The Defense Logistics Agency performs receipt, storage, and shipment functions at Department of Defense supply depots. During the rest of Calendar Year 1994, the U.S. Army Environmental Hygiene Agency will visit all the Defense Logistics Agency depots in the region west of the Mississippi (14 sites).

3. The U.S. Army Test Measurement and Diagnostic Equipment Activity, Huntsville, Alabama, performs audits of user radiation safety programs at various Army/National Guard user sites. During the next 6 months, 10 sites will be audited.

4. The U.S. Army Depot Systems Command, Chambersburg, Pennsylvania, performs surveys of depots within their command. Defense Logistics Agency activities of receipt, shipment, and storage as well as maintenance activities are reviewed. During 1994, inspections will be performed as follows:

<u>Dates</u>	<u>Locations</u>
7 February - 11 February	Red River Army Depot
14 March - 18 March	Sacramento Army Depot
11 April - 15 April	Tooele Army Depot
9 May - 11 May	Sierra Army Depot
13 June - 17 June	Blue Grass Army Depot
11 July - 15 July	Savanna Army Depot Activity
8 August - 12 August	Seneca Army Depot
22 August - 26 August	Tobyhanna Army Depot
19 September - 23 September	Letterkenny Army Depot

5. The U.S. Army Armament Munitions and Chemical Command performs audits of various user locations. During 1994, six separate visits will be performed at Army, Marine Corps, and Defense Logistics Agency sites.

<u>Dates</u>	<u>Locations</u>
February	Albany Marine Corps Logistic Base
March	Camp LeJuene Marine Corps Base
April	Fort Drum
May	Fort Benning
June	Fort Stewart
July	Fort Hood

6. The U.S. Marine Corps will perform assistance visits as they are able, in coordination with the U.S. Army Armament, Munitions and Chemical Command work. Two visits are planned for the rest of 1994.

Amendment Plan for BML 12-00722-06 License

The U.S. Army Armament, Munitions and Chemical Command Safety Office provided a request for extension of the renewal date of BML 12-00722-06 to Region III on 13 December 1993. Provided the extension is accepted, the following time-line will be used to develop a renewal submission which addresses:

- a. Reorganizations within the Army management structure;
- b. Clear presentation of Army radiation safety program commitments;
- c. Audit and review processes which ensures as low as reasonably achievable and compliance to Nuclear Regulatory Commission regulations and license conditions.

1. TIME: 1 February 1994 - 1 April 1994

ACTION: Review current license requirements and establish required changes for conformance to new 10 CFR, part 20.

Nuclear Regulatory Commission: Discussions required.

2. TIME: 1 February 1994 - 1 April 1994

ACTION: Review current maintenance facility standing operating procedures for compliance to 10 CFR, part 20, and license requirements.

3. TIME: 1 April 1994 - 1 August 1994

ACTION: Establish complete audit program of license actions.

Nuclear Regulatory Commission: Discussions required.

4. TIME: 1 April 1994 - 1 August 1994

ACTION: Establish budget to include license fees, wipe testing work (supplies and evaluations), bioassays, training, inspections (costs for U.S. Army Armament, Munitions and Chemical Command trips, money to cover work performed by others to inspect Command license requirements), quality assurance tests.

5. TIME: 1 August 1994 - 1 October 1994

ACTION: Obtain concurrences from user organizations (Defense Logistics Agency, Marine Corps, depots, posts, camp and station headquarters). Concurrence to be obtained from Command Group personnel.

CHECKLISTS

1. TIME: 1 February 1994 - 1 April 1994

ACTION: Determine that an Army regulation is applicable to a radiation safety program/licensing process through use of checklists to ensure compliance.

2. TIME: 1 February 1994 - 1 April 1994

ACTION: Develop checklists which will provide commander assurance that radioactive commodities are used, stored, maintained, etc., properly in accordance with Nuclear Regulatory Commission/license requirements.

2. TIME: 1 April 1994 - 1 June 1994

ACTION: Get changes to the Army regulation if required.

3. TIME: 1 June 1994 - 1 August 1994

ACTION: Implement the program.

CHART 1:

The Department of Defense is organized into military departments and the Defense Logistics Agency.

Command is down through the structure, from the department down to the installation.

Communication can and does flow across departments. For example, the U.S. Army Armament, Munitions and Chemical Command Safety Office can communicate with personnel within any level of a military department or the Defense Logistics Agency.

If the U.S. Army Armament, Munitions and Chemical Command desires to effect a change in procedures within another military department, the desired change is communicated to the appropriate safety office, and if concurred with, the change is directed from within the military department or Defense Logistics Agency.

CHART 2:

The Department of the Army organization parallels that of the Department of Defense, with authority flowing down. Commanders have authority to provide direction to those organizations subordinate to them. Communication flows across the command lines.

If the U.S. Army Armament, Munitions and Chemical Command must change a procedure, there are two methods:

(1) Go to the similar level safety office, obtain concurrence, and the change is directed.

(2) Go up to the Department of the Army level, and have direction come down to the target audience.

HEADQUARTERS
DEPARTMENT OF THE ARMY



DEPARTMENT OF DEFENSE

