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FEBRUARY 8, 1995

EA 95-017

U. S. Army Test Measurement  
and Diagnostic Equipment Activity  
ATTN: Robert K. DuBois, Director  
TMDE Activity  
Redstone Arsenal, Alabama 35898-5400

SUBJECT: NRC INSPECTION REPORT NO. SNM-1998/94-01

Gentlemen:

This refers to the inspection conducted by Mr. J. A. Mumper of this office on December 5, 1994 and Mr. E. Garcia of the Walnut Creek Field Office on December 20, 1994 and January 19, 1995. The inspection included a review of activities authorized under your NRC license. During the meeting between Mr. Mumper and you at your Redstone Arsenal, Alabama office on December 5, 1994, the inspection findings documented in the inspection report (Enclosure 1) and the corrective actions were reviewed.

Areas examined during the inspection are identified in the report. The inspection involved an examination of activities conducted under your NRC license with respect to radiation safety and compliance with NRC regulations. It included selective examinations of procedures and representative records, and interviews with personnel. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements.

Two apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C (Enclosure 2). The apparent violations being considered for escalated enforcement involve the transport of a plutonium source by air and failure to include the required information on the shipping papers. Accordingly, no Notice of Violation is presently being issued for these inspection findings. Please be advised that the number and characterization of apparent violations described in the enclosed inspection report (Enclosure 1) may change as a result of further NRC review.

An enforcement conference to discuss the apparent violations being considered for escalated enforcement has been scheduled for February 24, 1995 at 10:00 a.m. in the Region II Office. A proposed enforcement conference agenda is enclosed (Enclosure 3). The decision to hold an enforcement conference does not mean that NRC has determined that a violation has occurred or that enforcement action will be taken. The purposes of this conference are to discuss the apparent violations, their causes and safety significance; to provide you the opportunity to point out any errors in our inspection report, and to provide an opportunity for you to present your proposed corrective actions. In addition, this is an opportunity for you to provide any

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information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VII.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violations being considered for escalated enforcement is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rule of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room (PDR).

Should you have any questions concerning this letter, please contact us.

Sincerely,

ORIGINAL SIGNED BY  
BRUCE MALLET FOR:

J. Philip Stohr, Director  
Division of Radiation Safety  
and Safeguards

Docket No. 070-03082  
License No. SNM-1998  
EA 95-017

Enclosures: (See Page 3)

- Enclosures: 1. NRC Inspection Report  
 2. NRC Enforcement Policy  
 3. Enforcement Conference Agenda

cc w/encls: State of Alabama

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