



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

September 24, 2021

EA-21-115

Col. Christopher Rankin,  
Commander  
Department of the Army  
National Ground Intelligence Center  
2055 Boulders Road  
Charlottesville, VA 22911-8318

**SUBJECT: DEPARTMENT OF THE ARMY, NATIONAL GROUND INTELLIGENCE  
CENTER - NRC INSPECTION REPORT 03032042/2021001**

Dear Col. Rankin:

On April 20, 2021, with continued in-office review through September 7, 2021, Randolph Ragland of this office conducted a routine inspection of licensed activities of the Department of the Army's National Ground Intelligence Center (NGIC) at the Aberdeen Proving Ground. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions in your license. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The enclosed report presents the results of this inspection. The inspector discussed the preliminary inspection findings with Mr. Gary P. Smith, NGIC Safety Manager, at the conclusion of the on-site portion of the inspection. A final exit briefing was conducted (telephonically) with Kelly Noga, Je'Neen Russell, and CPT Kenneth Moran on September 7, 2021.

Based on the results of this inspection, two apparent violations were identified, one of which is 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 violation being considered for escalated enforcement action is related to a failure to maintain a qualified Radiation Safety Officer (RSO) on your NRC license. The violation not being considered for escalated enforcement action involves a failure to retain records of the radiation protection program, including audits and other reviews of the program content and implementation. Additional details about these apparent violations are described in Section 2 of the enclosed report.

Since the NRC has not made a final determination in this matter, a Notice of Violation is not being issued at this time. Please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Before the NRC makes its enforcement decision regarding the apparent violations, we request that you provide additional information about your corrective actions. Specifically, you documented in your Corrective Action Plan dated August 5, 2021, that all radiation missions will be suspended until a new RSO is named and that the NGIC's Radiation Safety Committee was meeting to review and approve a new RSO. However, to date, the NRC has not received a license amendment request to name a new RSO on the license. Therefore, please describe actions being taken to submit a timely license amendment request to name either a permanent or temporary qualified RSO, including the timeline for submitting the request. Additionally, please describe the actions that will be taken to prevent reoccurrence of this issue such that any future loss of an authorized RSO can be rectified in a timelier manner. In addition, please provide for the apparent violations: (1) the reason for the violations, or if contested, the basis for disputing the apparent violations; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. You should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," <https://www.nrc.gov/docs/ML0612/ML061240509.pdf> may be helpful.

The written response should be sent to the NRC within 30 days of the date of this letter. Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. You should clearly mark the response as a "Response to Apparent Violations in NRC Inspection Report No. 03032042/2021001; EA-21-115," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy mailed to Blake D. Welling, Director, DRSS, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406-2713, within 30 days of the date of this letter. If an adequate response is not received within the time specified and an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a pre-decisional enforcement conference (PEC).

In lieu of providing this written response, you may choose to provide your perspective on this matter, including the significance, cause, and corrective actions, as well as any other information that you believe the NRC should take into consideration by: (1) requesting a PEC to meet the NRC and provide your views in person; or (2) requesting Alternative Dispute Resolution (ADR). ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation; a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who does not have a stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution to the issues. Additional information concerning the NRC ADR program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute for Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC program as a neutral third party. Please contact ICR at 877-733-9415 within **10 days** of the date of this letter if you are interested in pursuing resolution of this issue through ADR. The ADR mediation session should be held within 45 days of the date of this letter. The mediation session would be closed to public observation, but the time and date would be publicly announced.

If you choose to request a PEC, the meeting should be held, within 30 days of the date of this letter. The conference will include an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the PEC may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. The PEC would be open for public observation, and the NRC would issue a press release to announce the conference time and date.

Please contact Chris Cahill at 610-337-5108 within **10 days** of the date of this letter to notify the NRC which of the above options you choose. If you do not contact the NRC within the time specified, and an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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's Agencywide Documents Access and Management 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 concerning this matter, please contact Randolph Ragland of my staff at 610-337-5083.

Sincerely,

Blake Welling, Director  
Division of Radiological Safety and Security

Docket No. 03032042  
License No. 45-25134-01

Enclosure:  
Inspection Report 03032042/2021001

cc w/Encls: Je'Neen Russell

DEPARTMENT OF THE ARMY, NATIONAL GROUND INTELLIGENCE CENTER - NRC  
INSPECTION REPORT 03032042/2021001 DATED SEPTEMBER 24, 2021.

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U.S. NUCLEAR REGULATORY COMMISSION  
REGION I

INSPECTION REPORT

Inspection No.: 03032042/2021001  
EA No. EA-21-115  
Docket No.: 03032042  
License No.: 45-25134-01  
Licensee: Department of the Army, National Ground Intelligence Center  
Field Office Location: Aberdeen Proving Ground, Building 4727  
Inspection Dates: April 20, 2021, with continued in-office review until September 7, 2021

Inspector: \_\_\_\_\_  
Randolph C. Ragland, Jr. date  
Senior Health Physicist  
Division of Radiological Safety and Security

Approved By: \_\_\_\_\_  
Chris Cahill, Chief date  
Commercial, Industrial, R&D, and  
Academic Branch  
Division of Radiological Safety and Security

## EXECUTIVE SUMMARY

Department of the Army, National Ground Intelligence Center  
NRC Inspection Report No. 03032042/2021001

An announced inspection was performed of the Department of the Army, National Ground Intelligence Center's (NGIC) Type A Broad Scope licensed activities on April 20, 2021, located at the Aberdeen Proving Ground, Building 4727. The inspection was continued in-office until September 7, 2021.

The license authorizes the removal, testing, and storage of materials removed from equipment acquired by the Department of the Army primarily from foreign locations. In the last two years, licensed activities have consisted of making a source shipment for disposal, removing a single tritium source from a tank, and placing it into storage, and maintaining tritium sources and several Ni-63 sources in secure storage. The license does not allow willful destructive testing of items containing radioactive material. Although the licensee could receive a damaged leaking source, it is their intent to only handle sealed sources.

This inspection identified an apparent violation associated with the failure to maintain an NRC approved named Radiation Safety Officer (RSO) on the NRC license. The individual currently listed as the RSO on the license left the NGIC in January 2020, and without seeking a license amendment from the NRC to name a new RSO, NGIC transferred the responsibilities for oversight of the license program to a Safety Manager who did not meet the qualifications to be named as an RSO on a Type A Broad Scope license.

The licensee was informed that they had the option of: 1) acquiring the services of an individual qualified to perform the duties of the Radiation Safety Officer on a Type A Broad Scope license and submitting that individual's name and qualifications to the NRC for review and approval; or 2) requesting NRC to down grade the license to a "Research & Development (R&D) Other" license with less strict qualification requirements for the RSO. In either case, the licensee must ensure that a qualified individual is overseeing licensed activities and should consider suspending licensed activities, other than simple storage of materials, before they resume any handling of radioactive materials. To date, the licensee has not submitted the name of a qualified individual to oversee the license program and they have not requested a down grade of their license to a Research and Development (R&D) other license.

## REPORT DETAILS

### 1. **Organization and Scope of the Program**

#### a. Inspection Scope

The inspector reviewed the organization and scope of the licensee's radioactive materials program. Information was gathered through direct observations, reviews of records, and interviews with licensee staff.

#### b. Observations and Findings

The licensee primarily removes, tests, and stores licensed materials removed from equipment acquired by the Department of the Army primarily from foreign locations. In the last two years, licensed activities have consisted of making a source shipment for disposal, removing a single tritium source from a tank, and placing it into storage, and maintaining tritium sources and several Ni-63 sources in secure storage. The license does not allow willful destructive testing of items containing radioactive material. Although the licensee could receive a damaged leaking source, it is their intent to only handle sealed sources. The license application states that the Radiation Safety Committee will meet at least quarterly and/or as called by the chairperson. A Radiation Safety Committee meeting has not been conducted since before the RSO left the program.

#### c. Conclusions

Licensed materials including tritium gauges and Ni-63 sources are maintained in safe and secure storage. Col. Christopher Rankin is the Licensing Official, James McClain, is the on-site supervisor for this license at Aberdeen Proving Ground, and Kelly Noga the Point of Contact for the license.

### 2. **Material Receipt, Use, Transfer, and Control**

#### a. Inspection Scope

The inspector reviewed the licensee's use, transfer, and control of licensed materials. Information was gathered by reviews of records, interviews with cognizant personnel, and direct observations of materials stored in Building 4727 at the Aberdeen Proving Ground.

#### b. Observations and Findings

##### Review of Records

The Safety Manager maintained records of source inventory. The Safety Manager reported that he had not obtained leak test results because: 1) the sources were in

storage and were not required to be leak tested in accordance with NRC License Condition 15.F; and 2) NRC License condition 15.E does not require leak testing for sources that only contain tritium.

### Field Observations

The inspector observed a radioactive material storage area. It included radiological postings and was securely locked. The inspector obtained independent radiation levels using a Thermo RadEyeG gamma survey meter, Serial Number 30846, calibration date 10/12/2020. All measurements were at background radiation levels (6 – 10 microR/h).

### Program Oversight

The Safety Manager reported that the individual named as the RSO on the NGIC license left the program in January 2020 and that he had been assigned to provide program oversight. The inspector explained that the NRC requires licensees to continuously maintain the services of a qualified RSO who has been approved by the NRC and listed on the NRC license. The Safety Manager stated that he assumed that when he was appointed to oversee the program, he had been approved as the RSO for the NRC license.

The inspector asked to review the licensee's annual review of the radiation protection program content and implementation, for the year 2020, that is required by 10 CFR 20.1101(c). The Safety Manager stated that based on his routine oversight of the program, he had reviewed the content and implementation of the program, but he had not documented the review.

The Safety Manager stated that he believes the Chair of the Radiation Safety Committee did not take action to formally replace the RSO on the license, because he assumed it was addressed when the Safety Manager assumed the role of the RSO. The Safety Manager provided some details of his qualifications and experience and that experience did not include any involvement or management of a diverse Type A Broad Scope license that could approve independent work performed by principal investigators on unsealed or high activity sealed sources. The inspector stated that based on the described qualifications, it would be unlikely that NRC would approve him as the RSO for the license.

The licensee was informed that they had the options of: 1) acquiring the services of an individual qualified to perform the duties of the RSO on a Type A Broad Scope license and submitting that individual's name and qualifications to the NRC for review and approval; or 2) requesting NRC to down grade the license to a "Research & Development (R&D) Other" license with less strict qualification requirements for the RSO, and submitting the name and qualifications of that individual to NRC for review and approval. In either case, the licensee must ensure that a qualified individual is overseeing licensed activities and should consider suspending licensed activities, other than simple storage of materials, until they submit the name of a qualified individual to NRC and NRC approves the individual as the RSO. To date, the licensee has not



submitted the name of a qualified individual to oversee the license program, they have not requested a down grade of their license to an “R&D Other” license. However, by letter received on August 5, 2021, Christopher C. Rankin, COL, MI Commanding, the Army agreed to limit licensed activities to storage-only and to not issue any permits.

c. Conclusions

The radioactive materials that are currently possessed under NRC license 45-25134-01, Amendment 13, including tritium and Ni-63, are securely stored at APG Building 4727, emit very low radiation levels, and present a very low risk to the public. However, the licensee has the potential to receive, possess, and handle more significant radioactive sources and the program appears to lack full management oversight. Namely, the licensee has failed to maintain an NRC approved RSO who is qualified to oversee an NRC Type A Broad Scope and who is listed on the license, and neither the annual review of the radiation protection program nor the Radiation Safety Committee identified this regulatory non-compliance. The following apparent violation is being considered for escalated enforcement:

- A. Amendment 13, Condition 11.B, NRC License 45-25134-01, dated March 8, 2017, authorized a specific individual to fulfill the duties and responsibilities of the Radiation Safety Officer (RSO) for the license.

10 CFR 33.13(c)(2) states, in part, that a Type A specific license of broad scope will be approved if the applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control, and accounting and management review that are necessary to assure safe operations, including the appointment of a radiological safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiological safety matters.

Contrary to the above, from January 2020, to August 2021, the individual specifically authorized as the RSO in Condition 11B of NRC License No. 45-25134-01, dated March 8, 2017, did not fulfill the duties and responsibilities of the RSO. Specifically, the RSO listed on NRC License No. 45-25134-01, dated March 8, 2017, left the employment of the licensee in January 2020, and the licensee has not submitted a license amendment request to name a new RSO. The Department of the Army, National Ground Intelligence Center, did appoint a Safety Manager to oversee license activities, but that individual lacked the qualifications to be an RSO on a Broad Scope Type A license and who retired in July 2021.

The following apparent violation is not being considered for escalated enforcement action:

- B. 10 CFR 20.1101(c) requires each licensee to periodically (at least annually) review the radiation protection program content and implementation.

10 CFR 20.2102(a)(2) requires each licensee to maintain records of the radiation protection program, including audits of and other reviews of the program content and implementation.

Contrary to the above, for the year 2020, the licensee did not maintain records of the radiation protection program, including audits of and other reviews of the program content and implementation.

**3. Exit Meeting**

On September 7, the inspector conducted an exit meeting by telephone with Kelly Noga, Je'Neen Russell, and CPT Kenneth Moran. The representatives acknowledged the inspection findings.

## **ATTACHMENT**

### **PARTIAL LIST OF PERSONS CONTACTED**

#Kenneth Moran, Proposed RSO  
#Kelly Noga, License Point of Contact  
\*Greg Smith, Safety Manager

\* Present at Entrance Meeting on April 20, 2021  
# Present at Exit Meeting on September 7, 2021

### **INSPECTION PROCEDURES USED**

IP 87124, Fixed and Portable Gauge Programs

### **LIST OF DOCUMENTS REVIEWED**

Dosimetry Reports for 2020  
Source inventory records for 2020 and 2021

### **LIST OF ACRONYMS USED**

ADR: Alternative Dispute Resolution  
ADAMS: Agency wide Documents Access and Management System  
CFR: Code of Federal Regulations  
EA: Enforcement Action  
NGIC: National Ground Intelligence Center  
RSC: Radiation Safety Committee  
RSO: Radiation Safety Officer