



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

March 10, 2022

Timothy E. Matthews, Colonel
U.S. Army, Commanding
Department of the Army
U.S. Army Aberdeen Test Center TEAT-COM
6943 Collieran Road, Building 400
Aberdeen Proving Ground, MD 21005-5059

SUBJECT: DEPARTMENT OF THE ARMY - NRC INSPECTION NO. 04007354/2022-001
AND NOTICE OF VIOLATION

Dear COL Matthews:

This letter refers to the special inspection conducted on March 8 and 9, 2022, that was limited to the requirements for the submission of a Decommissioning Funding Plan (DFP) at a frequency of three years or at the time of renewal of your license. Within this area, the inspection consisted of selected examination of when the last time a DFP was submitted (May 30, 2018) and the receipt of your most current submission (February 7, 2022).

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was 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 violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket and include: The licensee was in the process of preparing a renewal application with the Decommissioning Funding Plan (DFP) as an attachment. The licensee then opted to amend the license by requesting a 5-year extension to the license's expiration date. The DFP was not sent in as part of the amendment request. The licensee was periodically sending in updates to its DFP when the commander of the base changed which was approximately every two years. The licensee has several licenses that need to be tracked. In order to better track when one of their DFP's would need to be submitted, the licensee will set up a calendar reminder system in the Radiation Safety Officer's office. The licensee submitted a DFP for License Number SUB-834 to the Commission by fax on February 7, 2022, and achieved full compliance on that date. 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 Steven Courtemanche of my staff at 610-337-5075 or via electronic mail at Steven.Courtemanche@nrc.gov.

Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

Docket No. 04007354
License No. SUB-834

Enclosure:
Notice of Violation

cc w/ enclosure
Gurvis Davis, Radiation Safety Officer
State of Maryland

DEPARTMENT OF THE ARMY - NRC INSPECTION NO. 04007354/2022-001 AND NOTICE
OF VIOLATION DATED MARCH 10, 2022DISTRIBUTION:
OE, RI

DOCUMENT NAME: G:\DNMS\WBL Documents\WBL Inspection Cover Letter\LSUB-834.2022-001.docx

<input checked="" type="checkbox"/> SUNSI Review		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	RI:DRSS	RI:DRSS			
NAME	SCourtemanche (src)	CCahill (cgc)			
DATE	03/10/2022	03/10/2022			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Department of the Army
Aberdeen Proving Ground, MD

Docket No. 04007354
License No. SUB-834

During an NRC inspection conducted on March 8 and 9, 2022, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.35(e)(2) requires, in part, that the licensee submit, at the time of license renewal and at intervals not to exceed three years, the decommissioning funding plan with adjustments as necessary to account for changes in costs and the extent of contamination.

Contrary to the above, as of February 7, 2022, the licensee failed to submit, at the time of license renewal and at intervals not to exceed three years, the decommissioning funding plan with adjustments as necessary to account for changes in costs and the extent of contamination. Specifically, the licensee submitted, in June of 2018, an adjustment to its decommissioning funding plan by means of a document dated May 30, 2018. An adjustment to the decommissioning funding plan dated November 15, 2021, was not received until February 7, 2022; an interval exceeding three years.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation 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, 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 person's name, date of birth, 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 10th day of March 2022

