



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ENGINEER RESEARCH AND DEVELOPMENT CENTER
WATERWAYS EXPERIMENT STATION, 3909 HALLS FERRY ROAD
VICKSBURG, MISSISSIPPI 39180-6199

September 14, 2022

**SUBJECT: Response to Apparent Violation in NRC Inspection Report 030-05062/2021-001;
EA-22-044**

Mary C. Muessle, Director
Division of Radiological Safety and Security
Nuclear Regulatory Commission, Region IV
1600 East Lamar Boulevard, Arlington, TX 76011-4511
Phone: (817) 200-1455

Dear Ms. Muessle:

This letter provides information and actions regarding the events of our radiation program and the announced Nuclear Regulatory Commission (NRC) inspection in October 2021. This current inspection was discussed on August 9, 2022, during the final exit meeting conducted telephonically with you and your staff and detailed in the NRC Inspection Report 030-05062/2021-001 received on August 22, 2022.

Entering the October 2021 inspection, the U.S. Army Engineer Research and Development Center (ERDC) was not the subject of any escalated enforcement action as the result of previous inspections conducted during March 2016, January 2011, or November 2006. The apparent violation for a program with an unassigned Radiation Safety Officer (RSO) stems from personnel transition and misunderstanding. While every effort was made to address this personnel transition, I am unaware of any activities and research being conducted that would be covered by this license during the time period in question: January 1, 2021, to June 16, 2022.

In January 2021, the previous RSO, Mr. Richard Hudson, and his immediate supervisor both departed our organization. Just prior to Mr. Hudson's supervisor retiring, ERDC internally assigned Mr. Darrell Wright as the RSO being advised and believing that his experience and training qualified him. Mr. Wright submitted this appointment to the NRC and was informed months later that he did not have the appropriate level of training and was thusly unqualified.

Based on the impacts of the coronavirus during the summer of 2021, Mr. Wright was not able to schedule and complete the appropriate training until October 2021. On October 19, 2021, Mr. Randolph Ragland from the NRC executed the announced on-site inspection and conducted an office call with Colonel Schlosser, my predecessor. During that discussion, Mr. Ragland stated that his only concern was Mr. Wright completing additional radiation safety training and having him officially appointed as the ERDC RSO. Mr. Wright completed the additional radiation safety training and was appointed by the commander as the ERDC RSO on October 29, 2021. This information was submitted to the NRC to request an amendment to our licenses.

On March 1, 2022, ERDC received Amendment No. 41 to our NRC License No. 23-01544-09 authorizing Mr. Wright as the RSO for closed-sources. On April 6, 2022, ERDC was informed, and surprised, that Mr. Wright lacked the experience required to be the RSO for License No. 23-01544-10, which includes open sources and research activities. After that notification, ERDC was able to coordinate and execute an opportunity for Mr. Wright to gain the appropriate radiation experience. After NRC notification and their review of this additional experience, Mr. Wright was assigned as the RSO for License No. 23-01544-10 as of June 16, 2022. This amendment addresses and corrects the apparent violation.

In an effort to prevent recurrence of the apparent violation, we are taking the following steps that include: reviewing and updating our Center Regulation (CR 385-1-3) to address transition planning and actions the organization will take (e.g., cease activities under the license, inform the NRC of change, etc.) if an underlap between NRC-approved RSOs occurs; and preparing an alternate RSO to be fully qualified to apply for a license amendment once a change is known.

While not the focus of this inspection report, I want to acknowledge the mention of the 2016 Notice of Violation for annual inspections in the enclosure. While the report mentioned corrective actions from 2016, Mr. Wright has received training regarding the duties and responsibilities of an RSO as described in NUREG-1556 Volume 7, Rev. 1, Consolidated Guidance About Materials Licenses Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope.

If you have questions or concerns, please feel free to contact Mr. Michael A. Harding, Chief, Safety and Environmental Management Office, at (601) 634-2298 or by email at Michael.A.Harding@usace.army.mil, or Mr. Darrell W. Wright, ERDC RSO, at (217) 373-6725 or by email at Darrell.W.Wright@usace.army.mil.

Respectfully,

Christian Patterson
Colonel, U.S. Army
Commander, Engineer Research
and Development Center

CF:

Ronald Rogers, Director, Division of Radiological Health, MS DoH
Dr. Lizette Roldán-Otero, Chief, Materials Inspection Branch, NRC
Jason Dykert, Senior Resident Inspector, NRC
Julie Clements, Radiation Staff Safety Officer, USACE
Michael Harding, Chief, Safety and Environmental Management Office, ERDC
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