



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

May 6, 2025

EAF-RI-2025-0081

Dr. David J. Smith, Acting Director, DHA
Acting Principal Deputy Assistant
Secretary of Defense for Health Affairs
Defense Health Agency
7700 Arlington Boulevard, Suite #5101
Falls Church, VA 22042-5101

SUBJECT: DEFENSE HEALTH AGENCY - NRC INSPECTION NO. 030-39046/2025-003
AND NOTICE OF VIOLATION

Dear Dr. David Smith:

This letter refers to the inspection conducted on January 23, 2025, with in office review through March 25, 2025, at your facility in Fort Detrick, Maryland. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, independent radiation measurements, and interviews with personnel. The NRC conducted a final exit briefing via teleconference on April 14, 2025, with COL Ricardo Reyes, Ph.D., your Radiation Safety Officer and other representatives of the Defense Health Agency at the Fort Detrick facility.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notices of Violation (Notice) because the violations were identified by the NRC. The violations involved one failure associated with NRC health and safety requirements, which is documented in the publicly available Notice (Enclosure 1), and two failures associated with NRC security requirements, which are documented in the non-public Notice (Enclosure 2). The health and safety failure involved the licensee's failure to notify the NRC regarding the cessation of licensed activities at two facilities identified on its license after a period of greater than 24 months, consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) 30.36(d).

Enclosure 2 transmitted herewith contains sensitive unclassified non-safeguards information (SUNSI). When separated from Enclosure 2, this transmittal document and Enclosure 1 are decontrolled.

D. Smith

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notices when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notices. The NRC's review of your response to the Notices will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, the publicly available Notice (Enclosure 1) and your response, to the extent it discusses health and safety matters, 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, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should segregate your response for health and safety matters from security matters, and further should not include any personal privacy, proprietary, or safeguards information so that as much of your response can be made available to the public without redaction.

If you have any questions regarding this matter, please contact Jason vonEhr of my staff at (610) 337-5256 or via electronic mail at Jason.vonEhr@nrc.gov.

Thank you for your cooperation.

Sincerely,

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

Docket No. 030-39046
License No. 45-35423-01

Enclosures:

1. Notice of Violation – Public
2. Notice of Violation – Non-Public

cc w/ enclosures
COL Ricardo Reyes, Ph.D.,
Radiation Safety Officer

D. Smith

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SUBJECT: DEFENSE HEALTH AGENCY - NRC INSPECTION NO. 030-39046/2025-003
AND NOTICE OF VIOLATION DATED MAY 6, 2025

DISTRIBUTION:
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JvonEhr RI/DRSS
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ADAMS ACCESSION NUMBER: ML25126A069 (Cover letter w/o enclosure) (Publicly Available)
ADAMS ACCESSION NUMBER: ML25126A054 (Cover letter w/SRI enclosure) (Non-Publicly Available)

X	Cover Letter w/ Enclosure 1 SUNSI Review	X	Non-Sensitive Sensitive		X	Publicly Available Non-Publicly Available
X	Cover Letter w/OUO-SRI Enclosure 2 SUNSI Review	X	Non-Sensitive Sensitive (A.3 SRI)		X	Publicly Available Non-Publicly Available
OFFICE		RI/DRSS	RI/DRSS	RI/EAGL	OE	RI/DRSS
NAME		JvonEhr	KTrotter	MMcLaughlin	DFurst	MFord
DATE		4/15/2025	4/15/2025	4/28/2025	4/28/2025	4/29/2025

OFFICIAL RECORD COPY

NOTICE OF VIOLATION - PUBLIC

Defense Health Agency
Falls Church, VA
EAF-RI-2025-0081

Docket No. 030-39046
License No 45-35423-01

During an NRC inspection conducted at the United States Army Medical Research Institute for Infectious Diseases, a facility licensed under the Defense Health Agency, on January 23, 2025, with in office review through March 25, 2025, one violation of NRC health and safety requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (10 CFR) 30.36(d) requires, in part, that, within 60 days of either (1) the licensee has decided to permanently cease principal activities, as defined in 10 CFR Part 30, at the entire site or in any separate building or outdoor area, or (2) no principal activities have been conducted for a period of 24 months in any separate building or outdoor area, that each licensee shall provide notification to the NRC in writing of such occurrence, and either begin decommissioning its site, or separate building or outdoor area that contains residual radioactive so that the building or outdoor area is suitable for release in accordance with NRC requirements.

Contrary to the above, prior to the start of the January 23, 2025, inspection, the licensee failed to notify the NRC in writing within 60 days of no principal activities in any separate building or outdoor area having been conducted for a period of 24 months. Specifically, the licensee had ceased principal activities at two facilities at Fort Detrick at least five years prior to the start of the inspection, a period greater than 24 months, and did not notify the NRC of such occurrence within 60 days.

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

Following the on-site portion of the inspection, the Defense Health Agency provided records of close-out surveys for one of the two buildings identified as involved with the violation. At the time of this writing, the Defense Health Agency has not yet submitted a license amendment to remove either facility from its NRC license. The Defense Health Agency had not, at the time of the exit meeting on April 14, 2025, identified any records showing whether close-out surveys had been performed for the second building identified as involved with the violation.

Pursuant to the provisions of 10 CFR 2.201, the Defense Health Agency is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation; EAF-RI-2025-0081" and should include for the violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Enclosure 1

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

Notice of Violation - Public
Defense Health Agency

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, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and on the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, it should, therefore, not include any personal privacy or proprietary information so that it can be made publicly available without redaction.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request the withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the basis for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 6th day of May 2025