

June 6, 2008

EA 08-159

Robert DelBoca, General Manager,  
Vice President of Defense Systems  
Northrop Grumman Systems Corporation  
600 Hicks Road  
Rolling Meadows, IL 60008

SUBJECT: APPARENT VIOLATION OF 10 CFR 150.20(b) – NORTHROP GRUMMAN  
SYSTEMS CORPORATION

Dear Mr. DelBoca:

This refers to telephone conversations and e-mail communications between Major Robert A. Rodgers, USAF, BCF; Ms. Rachel Browder, NRC Region IV staff; Messrs. Dave Gurrie and Bill Cameron of your staff; and Mr. Michael LaFranzo of my staff between May 1 and 6, 2008, regarding Northrop Grumman Systems Corporation's use of two radioactive sources at the Eglin Air Force Base in Florida. In accordance with 10 CFR 150.20(a)(1), this facility is an Area of Exclusive Federal jurisdiction.

Based upon the telephone conversations and e-mail communications, the NRC has identified an apparent violation that 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 <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The apparent violation involved your staff's failure to file an NRC Form 241, at least three days prior to engaging, on May 1, 2008, in licensed activities in an Area of Exclusive Federal jurisdiction within an Agreement State. Your corrective actions included the modification of internal procedures to ensure that the appropriate NRC Form 241 is filed with the NRC at least three days prior to engaging in licensed activities in Areas of Exclusive Federal jurisdiction within Agreement States. The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with Messrs. Dave Gurrie and Bill Cameron during a telephone conference on May 5, 2008. As a result, it may not be necessary to conduct a Predecisional Enforcement Conference (PEC) in order to enable the NRC to make an enforcement decision.

In addition, since your facility has not been the subject of escalated enforcement actions within the last two years, and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section VI.C.2 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violation discussed above within 30 days of the date of this letter; or (2) request a PEC. If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the date and time of the conference. Please contact Robert Gattone at (630) 829-9823 within 7 days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to an Apparent Violation; EA-08-159" and should include for the apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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. In presenting your corrective actions, 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," may be helpful. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a Predecisional Enforcement Conference.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include: (1) information to determine whether a violation occurred; (2) information to determine the significance of a violation; (3) information related to the identification of a violation, and; (4) information related to any corrective actions taken or planned to be taken.

In addition, please be advised that the number and characterization of any apparent violations may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

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's 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.

R. DelBoca

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We will gladly discuss any questions your have concerning the information contained in this letter.

Sincerely,

***/RA by J. Madera Acting for/***

Steven A. Reynolds, Director  
Division of Nuclear Materials Safety

Docket No. 150-00012  
License No. IL-02172-01

Enclosure:  
Excerpt from NRC Information Notice 96-28

cc: Dave Gurrie, Manager of Environmental Safety and Compliance; Northrop  
Grumman Systems Corporation  
Bill Cameron, Radiation Safety Officer; Northrop Grumman Systems  
Corporation  
Daren Perrero, Illinois Emergency Management Agency

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Letter to Robert DelBoca from Steven A. Reynolds dated June 6, 2008

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SYSTEMS CORPORATION

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