



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

IN REPLY REFER TO:

6-7

5104
Ser N45/11U158180
12 August 2011

Mr. Shawn Seeley
Ms. Orysia Masnyk-Bailey
U.S. Nuclear Regulatory Commission, Region I
475 Allendale Road
King of Prussia, PA 19406-1415

48-23645-01NA

Dear Mr. Seeley and Ms. Masnyk-Bailey:

SUBJECT: REPLY TO A NOTICE OF VIOLATION

As required by NRC Inspection Report No. 03029462/2011005 dated July 15, 2011, enclosure (1) is forwarded in response to the violations identified during the Space and Naval Warfare Systems Center, Pacific (SPAWAR) inspection.

Pursuant to Section 182 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2232, this document is submitted under affirmation.

Sincerely,

Philip H. Cullom
Rear Admiral, U.S. Navy
Director, Energy and Environmental
Readiness Division

Enclosure: 1. Response to Inspection Violations of the Space and Naval Warfare Systems Center, Pacific (SPAWAR) (Non-Public)

Copy to: Director, Office of Enforcement, USNRC

REC'D IN LAT. 8/18/11

NMSS/RGNI MATERIALS-004

**Response to Space and Naval Warfare Systems Center, Pacific
Inspection Violations**

A. VIOLATION A

Licensee issued a permit authorizing a possession limit of special nuclear material which exceeded the limits established in 10 CFR 150.11 which is also contained in the Navy's Letter of Understanding dated March 23, 1987.

ROOT CAUSES

1. The command failed to recognize the 10 CFR 150.11 requirements during the Naval Radioactive Materials Permit (NMRP) amendment submittal.
2. The NUREG 1556 Volume 11 checklist for broad scope permits does not include an attribute to check for 10 CFR 150.11 unity. Subsequently, the Radiological Affairs Support Office (RASO) NRMP review checklist did not have an attribute to check for 10 CFR 150.11 unity.
3. The Radiation Protection Manager (RPM) training did not include 10 CFR 150.11 requirements.

CORRECTIVE ACTIONS TAKEN

1. The pertinent NRMPs have been reviewed and, if applicable, amended.
2. RPM Training has been conducted on the 10 CFR 150.11 requirements.

CORRECTIVE STEP TO AVOID FURTHER VIOLATIONS

1. The NRMP review checklist has been revised to include an attribute to check for 10 CFR 150.11 unity.
2. Discussion of the 10 CFR 150.11 requirements will be included in the next Radiological Affairs Support Program (RASP) newsletter. This will be sent to all Navy and Marine Corps Radiation Safety Officers (RSOs) by 15 September 2011.

FULL COMPLIANCE DATE: 15 September 2011

Enclosure (1)

B. VIOLATION B

Licensee did not make surveys to assure compliance with 10 CFR 20.1301. Specifically, on December 17, 2010 the licensee removed a laboratory countertop/sink from a laboratory which used radioactive material and transported it to another facility in San Diego without first performing a radiological survey of the countertop/sink.

BASIS FOR DISPUTING VIOLATION: The Navy does not concur with this violation based on the following information:

1. SPAWAR was inspected by RASO on December 7 -10, 2010 as detailed in Naval Radiation Safety Committee (NRSC) letter 6470 SerN45S2/10U158345 dated January 14, 2011. Several findings were identified during this inspection. Specifically, finding number 7 was cited for "Failure to Perform Required Contamination Surveys." Short term corrective action taken by the command was to suspend operations on December 10, 2010. The command's long term corrective actions to prevent reoccurrence include conducting a periodic comprehensive review of documentation and training of health physicists on more thorough survey techniques.

2. RASO performed a technical assist visit at SPAWAR from December 14, 2010 to January 20, 2011 as detailed in RASO Inspector trip report dated January 25, 2011. The purpose of this visit was in part to conduct oversight of personnel contracted by Navy to conduct characterization surveys of Building 111. During this visit, the RASO Inspector identified that the command did not perform contamination surveys of the sink as required by internal instruction approved by the command's Ionizing Radiation Control Committee (IRCC). The RASO Inspector directed that all materials be collected and locked up under RSO control until a complete evaluation was completed. The SPAWAR Executive Officer and Commanding Officer were briefed on the finding and they offered full and unconditional support.

The NRSC requests that this violation be rescinded per the NRC Enforcement Policy in section 2.4, because this event was self-identified, controlled by RASO upon discovery, and proper actions were taken to correct the deficiencies.