

April 4, 1997

EA 97-143

Department of the Navy
Chief of Naval Operations (N-45)
Navy Radiation Safety Committee
ATTN: RADM J. Totushek
Chairman
Washington, DC 20350-2000

SUBJECT: NRC SPECIAL INSPECTION REPORT NUMBER 45-23645-01NA/97-03

Dear Admiral Totushek:

This refers to the inspection conducted on March 12, 1997, at the Navy Drug Screening Laboratory, Jacksonville, Florida. Navy personnel at this facility use licensed material as authorized by Navy Permit No. 09-68850-61NP, which was issued under the Navy Master Materials License. The purpose of the inspection was to follow up on the contaminated package event that occurred on March 3, 1997. The enclosed report presents the results of the inspection. An exit interview for the inspection was held with you and members of your staff on March 19, 1997.

During the inspection, records were reviewed, procedures were discussed with personnel, and direct observations related to the preparation and packaging of licensed material for transport by a common carrier were made by the inspector. Based on the results of this inspection, five apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), MUREG-1600. Four of the apparent violations were violations of transportation regulations, the most significant of which involved the contamination of the delivery vehicle. The other apparent violation concerned the regulatory requirements that apply to the transfer of licensed material. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference to discuss these apparent violations has been scheduled for May 1, 1997, at 10:30 a.m. at the Region II office. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for



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you to provide any information concerning your perspectives on 1) the severity of the violation(s), 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations.

This conference will be open to public observation in accordance with the Commission's program as discussed in the enclosed excerpt from the Enforcement Policy (Enclosure 2).

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Should you have any questions concerning this letter, please contact us.

Sincerely,

Original Signed by C. Hosey for

Bruce S. Mallett, Director
Division of Nuclear Materials Safety

Docket No. 030-29462
License No. 45-23645-01NA

Enclosures: 1. Inspection Report
No. 45-23645-01NA/97-03
2. Excerpt from NRC Enforcement Policy

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State of Florida

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J. Lieberman, OE
L. McLean, RIV

*see previous concurrence

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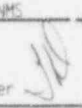
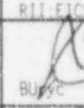
Bruce S. Mallett, Director
Division of Nuclear Materials Safety

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