



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

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03029462

45-23645-01NA/2013001

IN REPLY REFER TO

5104

Ser N45/13U139645

06 May 13

Mr. Shawn Seeley
U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713

Dear Mr. Seeley:

SUBJECT: REPLY TO A NOTICE OF VIOLATION

As required by Nuclear Regulatory Commission (NRC) Inspection Report No. 03029462/2013001 dated 9 April 2013 enclosure (1) is forwarded in response to the violations identified during the inspection of the Navy's Master Materials License (MML) No. 45-23645-01NA.

If you have any additional questions, my point of contact, CAPT Davis-Urgo, may be reached via telephone at 703-695-5259 or via electronic mail at donna.davis-urgo@navy.mil.

Sincerely,

K. R. Slates
Rear Admiral, U.S. Navy
Director, Energy and
Environmental
Readiness Division

Enclosure: 1. Response to Inspection Violations of Department of the Navy Master Material License Operations

Copy to: The Regional Administrator, Region I, USNRC

REC RG 1 05 10 13 AM 07 21

NMSS/RGNI MATERIALS-004

A. VIOLATION A

As of February 7, 2013 (a period greater than 60 days), the Navy has failed to provide written notification to the NRC that it decided to permanently cease principal activities at two permitted sites that contain residual radioactivity such that they are not suitable for release in accordance with NRC requirements (10 CFR Part 20 Subpart E). Specifically: (1) In correspondence dated September 17, 2010, the Naval Radiation Safety Committee acknowledged that the Naval Postgraduate School, Monterey, California, had ceased all principal activities with licensed materials and as of February 7, 2013, a period greater than 12 months, the licensee had neither begun decommissioning nor submitted a decommissioning plan for the Naval Postgraduate School, and (2) In correspondence dated September 21, 2012, the Naval Radiation Safety Committee acknowledged that the Space and Naval Warfare Systems Center Pacific, San Diego, California, had ceased all principal activities with licensed materials. This is a Severity Level IV violation.

ROOT CAUSE:

1. In the past, previous communications between the NRC and the Navy concerning decommissioning status were done on an informal basis. As a result of this, the decommissioning process did not include formal notification to the NRC.

CORRECTIVE ACTIONS TAKEN:

1. The Executive Secretary of the Naval Radiation Safety Committee (NRSC) officially notified the NRC on 21 February 2013 that Naval Postgraduate School operations have ceased. The Executive Secretary of the NRSC officially notified the NRC on 15 April 2013 that Space and Naval Warfare Systems Center Pacific operations have ceased. The Navy has determined that no other sites currently meet the requirement to notify the NRC per 10 CFR 30.36(d).

CORRECTIVE STEPS TO AVOID FURTHER VIOLATIONS:

1. The Navy is in the process of developing a formal standard operating procedure (SOP) for decommissioning of Navy and Marine Corps sites. The SOP will include, among other things, the formal requirement to notify the NRC per 10 CFR 30.36(d).

FULL COMPLIANCE DATE: 30 November 2013

B. VIOLATION B

As of February 7, 2013 (a period greater than 24 months), the Navy has failed to complete decommissioning at two permitted sites. Specifically: (1) On June 2, 2010, the Navy initiated decommissioning of the Naval Surface Warfare Center Division, Dahlgren, Virginia, and was, therefore, required to complete decommissioning by June 2, 2012, and (2) On January 5, 2011, the Navy initiated decommissioning of the Naval Research Laboratory Hypervelocity Gun Facility at the Naval Research Laboratory (NRL) Chesapeake Beach, Maryland, and was, therefore, required to complete decommissioning by January 5, 2013. This is a Severity Level IV violation.

ROOT CAUSE:

1. The remediation, disposal and final survey activities at both sites were completed in accordance with the applicable decommissioning plan requirements. As a result of financial difficulty, the contractor had not provided the complete final status survey reports (which indicated that the facilities were suitable for release in accordance with the criteria in the decommissioning plan and NRC regulations) to the Radiological Affairs Support Office (RASO).

CORRECTIVE ACTIONS TAKEN:

1. The Navy has received the draft final reports for both sites. Given that the extensive reports require a lengthy evaluation time and will likely require editing, the Navy will submit an update to the NRC for these two sites.

FULL COMPLIANCE DATE: 03 JUNE 2013

2. The Navy has evaluated other sites undergoing decommissioning, and has determined that three sites require alternate decommissioning schedules per 10 CFR 30.36(d). One site is no longer undergoing decommissioning (Naval Air Warfare Center Weapons Division, China Lake), and the Navy will provide the NRC an acceptable update per NUREG-1757, Volume 3, Rev. 1. Alternate decommissioning schedules have been submitted to the NRC for the other two sites (Naval Research Laboratory, Chesapeake Beach and Naval Surface Warfare Center, Dahlgren). The two submissions, however, did not contain the information

required in NUREG-1757, Volume 3, Rev. 1. The Navy will provide the NRC the necessary information for these two sites.

FULL COMPLIANCE DATE: 31 October 2013

CORRECTIVE STEPS TO AVOID FURTHER VIOLATIONS:

1. The Navy is in the process of developing a formal SOP for decommissioning of Navy and Marine Corps sites. The SOP will include, among other things, the requirement to submit an alternate decommissioning schedule when decommissioning cannot take place within the NRC timeliness criteria.

FULL COMPLIANCE DATE: 30 November 2013