

ENCLOSURE 1

NOTICE OF VIOLATION

Naval Air Weapons Station  
China Lake, California 93555-6001

Docket No. 030-29462  
License No. 45-23645-01NA  
Permit No. 04-60530-LINP

During an NRC inspection conducted on October 5-8, 12-13, 20, 27, and December 1, 1993,, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violations are listed below:

- A. 10 CFR 20. 2103(a) requires, in part, that each licensee maintain records showing the results of surveys required by 10 CFR 20.1501.

Contrary to the above, as of October 13, 1993, the licensee did not maintain records of those surveys made to assure compliance with 10 CFR 20.1501(a), which requires surveys to evaluate the potential radiological hazards that could be present. Specifically in 1993 cotton glove liners were surveyed for contamination in order to remove them from the restricted area at the Tower 11 clean-up site for washing and records of the surveys were not maintained.

This is a Severity Level V violation (Supplement IV).

- B. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with the requirements of Part 20 and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such an evaluation includes measurements of the concentrations or quantities of radioactive material present.

Contrary to the above, the licensee did not make surveys to assure compliance with 10 CFR 20.106, which limits the yearly average concentration of radioactive material in water discharged to unrestricted areas. Specifically, between early January, 1993 and March 4, 1993, contractor personnel operating under the licensee's Navy radioactive materials permit took potentially contaminated water from a holding pond in a restricted area at the Tower 11 clean-up site and released it to the roads surrounding the site, an unrestricted area, without making surveys to assure the concentration of radioactive material (depleted uranium) in the water was in compliance with 10 CFR 20.106.

This is a Severity Level IV violation (Supplement IV).

- C. 10 CFR 19.12 requires, in part, that all individuals working in a restricted area be instructed in the use of radioactive materials or of radiation in the restricted area, in the health protection problems associated with radioactive materials or radiation in the restricted area, in the precautions and procedures to minimize exposure to radioactive materials, in the purpose and functions of protective devices employees, and in the applicable provisions of the Commission's regulations and licensees.

Contrary to the above, individuals who worked in the radiation control area at the Tower 11 clean-up site, a restricted area, had not been instructed in the health protection problems, precautions, and procedures associated with licensed material and in the applicable provisions of the regulations and the conditions of the license. Specifically, in May and October 1993, personnel were allowed to work in the Tower 11 restricted area without first receiving radiation safety training.

This is a Severity Level IV violation. (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Naval Weapons Station, China Lake 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 II, 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" and should include for each 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. If an adequate reply is not received within the time specified in this Notice, an order or 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.

Dated at Atlanta, Georgia  
this 14 day of February 1994