

MAY 19 1994

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

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

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 45-23645-01NA/94-06)

This refers to the inspection conducted by Mr. H. Bermúdez of the NRC's Region II office on April 19-20, 1994. The inspection included a review of activities authorized under your license for the Norfolk Naval Shipyard (Navy Radioactive Material Permit No. 45-00181-A1NP). At the conclusion of the inspection, the findings were discussed with Mr. R. D. Maxson, Director of Radiological Controls. The inspection findings were also discussed in a May 3, 1994, telephone conversation between Mr. J. Ennis, NRC Region II, and Captain J. Malinoski of your staff.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). In addition, the inspector identified activities at the Norfolk Naval Shipyard that violated NRC requirements that will not be subject to enforcement action because the licensee's efforts in identifying and/or correcting the violations meet the criteria for enforcement discretion specified in Section VII.B of the Enforcement Policy. The non-cited violations are failure to include the letters "RQ" on a shipping package used during transport of licensed material and failure to conduct sealed source inventories at the required frequency. These items were discussed with Mr. Maxson at the conclusion of the inspection.

Our inspection also identified that the performance of a radiographer at the Norfolk Naval Shipyard was not audited between December 20, 1993 and April 11, 1994, and the radiographer conducted radiographic operations on March 29, 1994. 10 CFR 34.11 requires that radiography programs include such an audit mechanism. This requirement is in the permit issued to the Navy and is a violation of the permit under which licensed activities were conducted.

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Department of the Navy

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. We also request that your response address the permit violation described above. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

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

Sincerely,

Original Signed By
D. M. Collins

Douglas M. Collins, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Enclosure:
Notice of Violation

cc w/encl:
Commonwealth of Virginia

bcc w/encl:
Document Control Desk
RII Docket File, DRSS

*See previous concurrence page.

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05/ /94	05/ /94	05/17/94	05/17/94	05/ /94	05/ /94

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Douglas M. Collins, Chief
Nuclear Materials Safety and
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ENCLOSURE

NOTICE OF VIOLATION

Department of the Navy
Washington, D.C.

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

During an NRC inspection conducted on April 19-20, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

10 CFR 34.28(b) states, in part, that the licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, and source changers at intervals not to exceed three months or prior to the first uses thereafter to ensure proper functioning of components important to safety.

Contrary to the above, from October 1, 1992 to January 26, 1993, an interval greater than three months, the licensee's Norfolk Naval Shipyard did not perform inspection and maintenance on its radiographic exposure devices numbers 1324, 1322, 1321, and 1323, and the devices were used during that period.

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

Pursuant to the provisions of 10 CFR 2.201, Department of the Navy is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, within 30 days of the date of the letter transmitting this Notice of Violation" and This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that will be taken and the results achieved, (3) the corrective steps that have been taken and 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
is 14th day of May 1994

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PDR