



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415**

December 3, 2010

Docket No. 03029462

License No. 45-23645-01NA

Captain Lino Fragoso  
Executive Secretary  
Department of the Navy  
Office of the Chief of Naval Operations  
2000 Navy Pentagon (NC-1 Suite 2000)  
Washington, DC 20350-2000

**SUBJECT: NRC INSPECTION REPORT NO. 03029462/2010003, DEPARTMENT OF THE NAVY, SAN DIEGO NAVAL BASE, SAN DIEGO, CALIFORNIA AND NOTICE OF VIOLATION**

Dear Captain Fragoso:

On May 4 and 5, 2010, Steven Courtemanche and Thomas Thompson of this office conducted a safety and security inspection at the San Diego Naval Base, San Diego, California of activities authorized by the above listed NRC license. The inspection was limited to a review of the activities conducted under Permit No. 46-4523A-C1NP. Additional information provided in your correspondence dated May 14, and June 4, 2010, was also examined as part of the inspection. The findings of the inspection were discussed with you and others of your organization during a preliminary exit on May 25, 2010, and at the conclusion of the inspection on November 29, 2010.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that your activities were not conducted in full compliance with NRC requirements and are detailed and categorized by severity level in the enclosed Notice of Violation (NOV). An NOV is being issued because your organization did not identify the noncompliance. The NRC has concluded that information regarding the reason for the noncompliance and the corrective actions taken and planned to prevent recurrence is already adequately addressed on the docket. Therefore, you are not required to respond to this letter unless the description therein does not adequately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed NOV.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

Enclosure(s) transmitted herewith contain(s) SUNSI. When separated from enclosure(s), this transmittal document is decontrolled.

L. Fragoso

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The Enclosure contains "Security-Related Information" and will be withheld from public disclosure by the NRC and must be protected from unauthorized disclosure. Additional information concerning "Security-Related Information" is also discussed in Regulatory Information Summary (RIS) 2005-31, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (ML053480073) which is available on the NRC web site, [www.nrc.gov](http://www.nrc.gov), select **Electronic Reading Room; Document Collections; Generic Communications; Regulatory Issue Summaries; 2005; RIS-05-031**.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC; Regulations; Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Steven R. Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,

*Original signed by Judith A. Joustra*

Judith A. Joustra, Chief  
Decommissioning Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation (**Contains Security-Related Information**)

cc w/enclosure:  
District of Columbia

**Official Use Only - Security-Related Information**

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Sincerely,

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Judith A. Joustra, Chief  
Decommissioning Branch  
Division of Nuclear Materials Safety

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cc w/enclosure:  
District of Columbia

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**SUNSI Review Complete:** SCourtemanche

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