

JAN 05 1993

Docket No. 030-04530
030-06923
EA No. 92-232

License No. 19-00915-03
19-00915-06

U.S. Department of Agriculture
ATTN: R.D. Plowman
Administrator
Agricultural Research Service
Administration Building
14th and Independence, S.W.
Washington, District of Columbia 20250

Dear Dr. Plowman:

Subject: Combined Inspection 030-04530/92-001 through 92-010 and 030-06923/92-001

This letter refers to the inspection conducted September 7 and 8, 1992, by Betsy Ullrich and Steven L. Baggett of this office at 6303 Ivy Lane, Greenbelt, Maryland, of activities authorized by the above listed NRC licenses. This also refers to the inspections performed by NRC inspectors at USDA sites in Regions I, II, and V during the period of January through October 1992. The results of these inspections were discussed with Dr. Arthur Nies and Mr. John Jensen of your staff by Betsy Ullrich, Dr. John Glenn and Dr. Ronald Bellamy of the NRC at your Greenbelt, Maryland location on November 12, 1992.

As discussed during the telephone conversation between Mr. Nies and myself on December 22, 1992, an Enforcement Conference will be held at the NRC Region I Office at 475 Allendale Road, King of Prussia, Pennsylvania on January 19, 1992 at 1:00 p.m. We understand that you and other members of your staff will attend this meeting. The purposes of this conference are to: discuss the apparent violations and deviations from commitments made to the NRC identified during this inspection, their causes and safety significance; provide you the opportunity to correct any errors in our inspection report; provide an opportunity for you to present your completed and proposed corrective actions; discuss any mitigating or extenuating circumstances; and discuss any other information that will help us determine appropriate enforcement action.

We are concerned about the apparent weaknesses in USDA's corporate oversight of the large and complex broad scope license which resulted in the recurring violations found during the recent inspection and the apparent difficulties in assuring uniform compliance with all aspects of your radiation safety program over an extended period of time. Consequently, at this Enforcement Conference you should be prepared to explain why the USDA should be allowed to continue to use byproduct material under a single license from the NRC. In addition, you

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should also be prepared to explain why you delayed, altered, or failed to develop and implement corrective actions for previous violations made as commitments to the NRC without discussing the changes with the NRC.

Appropriate enforcement action for the apparent violations will be considered by the NRC following the conference and you will be informed of that action by letter. The NRC Enforcement Policy is described in Appendix C of 10 CFR Part 2, a copy of which is enclosed for your information. Directions to the Region I office are also enclosed.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosed report will be placed in the Public Document Room.

No reply to this letter is required. Your cooperation with us in this matter is appreciated.

Sincerely,

Original Signed by:
Thomas T. Martin

Thomas T. Martin
Regional Administrator

Enclosures:

1. NRC Region I Combined Inspection
Report No. 030-04530/92-001 through 92-010 and
030-06923/92-001
2. 10 CFR Part 2
3. Directions to the Region I Office

bcc:

Region I Docket Room (w/concurrences)

T. Martin, RI
 D. Holody, RI
 R. Cooper, RI
 S. Shankman, RI
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 K. Smith, RI
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 J. Grove, RIII
 C. Cain, RIV
 R. Pate, RV
 S. Lewis, OGC
 J. Lieberman, OE
 R. Bernero, NMSS
 S. Baggett, NMSS
 E. Ullrich, RI

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V
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