



United States
Department of
Agriculture

Agricultural
Research
Service

Office of the
Administrator

Washington, D.C.
20250

FEB 03 1993

Mr. John D. Kinneman
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

DEAR Mr. Kinneman:

This letter is in response to the commitments the U.S. Department of Agriculture (USDA) made during the Enforcement Conference held at your office in King of Prussia, Pennsylvania, on January 19, 1993, to provide the U.S. Nuclear Regulatory Commission (NRC) with an outline for the proposed audit of the USDA Radiological Safety Staff (RSS) and the proposed duties and responsibilities of USDA Location Radiation Protection Officers (LRPO's). It is our understanding that you will provide comments if you feel that additional areas of the USDA Radiation Safety Program should be reviewed during the audit or if the LRPO responsibilities should be changed to improve the program.

The letter dated September 1, 1992, to the consulting firm, Arthur D. Little in Cambridge, Massachusetts (enclosed), is an example of the initial request for audit proposals sent out by the RSS. The RSS audit outline (enclosed), to be revised in response to any comments or suggestions you may have, will be provided to prospective contract auditors. We expect to receive revised proposals from the contractors within 2 weeks of receipt of your comments. Based on the revised contractor proposals and potential changes in contract requirements, we will advise you of the schedule for completion of the audit by March 31, 1993.

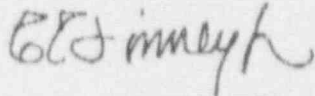
We are proposing to designate an LRPO at Category I, II, and III USDA locations at which there are at least 2 responsible users. The training requirements for an LRPO will be the same as those for responsible users of radioactive materials at the location. As we discussed, the LRPO duties and responsibilities (enclosed), to be revised in response to any comments or suggestions you may have, will be presented to the USDA, Agricultural Research Service's Administrator's Council for review in April 1993. We will advise you of the Council's decision on this program by June 1993.

Mr. John D. Kinneman

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If you have questions concerning the enclosures, please contact John Jensen on 301-344-0193, otherwise, you may contact me on 202-720-3658.

Sincerely,



E. E. FINNEY, JR.
Associate Administrator

3 Enclosures

cc: w/enclosures
L. Smith, NPS
A. Nies, AM

Radiological Safety Staff Audit Outline

1. Visit one Category I or II and one Category III USDA location to review the users' understanding of the USDA radiation safety program. Make recommendations to improve the users' understanding of the program and compliance with regulatory requirements as well as to improve management of the program and regulatory compliance at the location level.
2. Identify specific information that the Radiological Safety Staff (RSS) should report to the Radiation Safety Committee (RSC) for review on a quarterly and annual basis.
3. Develop guidelines for the RSC for categorizing violations, their associated severity, and the appropriate enforcement action that should be taken against a user.
4. Review the RSS operating procedures and guidance provided to USDA responsible users and recommend improvements or development of additional procedures and guidance to improve compliance with NRC requirements. The following procedures, at a minimum, shall be reviewed: radioactive materials application approval, user and location termination, radioactive materials inventory (including purchasing, receipt, and disposal), sealed source leak test analysis, laboratory survey, radioactive waste disposal, dosimetry, radiation safety training, burial site management.
5. Review the Radiation Safety Management System database design and interim database system to assure that information required for regulatory compliance is being or will be retained and reported. Recommend design improvements and/or additional information requirements to assure compliance with regulatory requirements.
6. Review the RSS system of recordkeeping and filing to assure that information required for regulatory compliance is being retained. Develop an internal audit plan to be implemented by the RSS to review files for accuracy and compliance with recordkeeping requirements.
7. Review the workload for the RSS, including non-NRC regulated areas, such as x-ray equipment safety and radon monitoring, and recommend an appropriate technical and administrative staffing level and management structure.

Location Radiation Protection Officer Duties and Responsibilities

1. Maintain a copy of the approval form for each responsible user at the location.
2. Maintain monthly exposure records of all monitored personnel at the location.
3. Notify the Radiological Safety Staff (RSS) as soon as possible when a responsible user intends to discontinue use of radioactive materials to facilitate termination of the user (which may require providing storage for materials so that laboratory surveys may be performed and waste can be removed and coordinate survey and decontamination of the user's laboratory).
4. Coordinate initial and annual refresher radiation safety training for all users and ancillary staff (where applicable) at the location. The training shall cover generally applicable radiation safety practices and procedures and NRC regulations in 10 CFR Parts 19 and 20 and applicable license conditions.
5. Receive copies of notifications to responsible users who are late or overdue in reporting to RSS. Will be responsible to serve as advisor to management on assuring timely response to overdue notices.
6. Coordinate radioactive waste disposal activities (incineration, drain disposal, decay-in-storage, off-site waste shipments) and submit reports to RSS in a timely manner.
7. Coordinate survey meter calibrations to assure that all survey meters are calibrated at the required frequency.
8. Conduct an annual audit of each responsible user to assure that copies of required RSS reports are maintained, materials are used only in approved areas, laboratories are properly posted, appropriate documents are posted or available, and radioactive materials are secured to prevent unauthorized removal.



United States
Department of
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Agricultural
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Radiological
Safety
Staff

6303 Ivy Lane
Greenbelt, Maryland
20770-1433

SEP 1 1992

David J. Allard
Arthur D. Little, Inc.
Acorn Park
Cambridge, MA 02140-2390

Gentlemen:

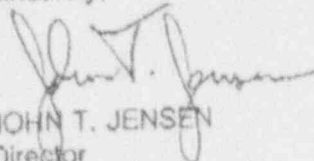
This letter is to request an informal proposal for a radiation safety and regulatory compliance audit of the U.S. Department of Agriculture's Radiological Safety Staff (RSS) located in Greenbelt, Maryland. The USDA radiation safety program is large and complex with over 300 locations of use and more than 3,000 radioactive material users. The USDA is required by the U.S. Nuclear Regulatory Commission (NRC) to audit its radiation safety program periodically. The audit is the responsibility of the Chairman of the USDA's Radiological Safety Committee and will be reported to the Chairman. The scope of the audit will be limited to a review of compliance activities at the RSS office in Greenbelt, Maryland and their relationship to the Radiological Safety Committee and should not last more than a few days. In addition to any other areas identified by the auditor as relevant to radiation safety program requirements, the following items must be reviewed during the audit.

1. The RSS operating procedures relative to compliance with NRC regulations and license requirements and make recommendations for improvement of program oversight.
2. The operations and requirements of the Radiological Safety Committee relative to routine and non-routine items that should be reported by RSS.
3. The design of the RSS database management system (currently under development) relative to its ability to assist RSS in maintaining compliance with program oversight, record keeping, and required internal and external reports.

If you are interested in performing these functions for the USDA, please respond in writing indicating the specific regulatory and NRC license requirements (copy enclosed) you will review, the total time you propose to spend on-site, the total time required to deliver the final audit results, the names and resumes of the individuals who will conduct the audit, and the total estimated cost of the project. Also, please provide a list of clients (include the name and telephone number of the contact person) for whom you have provided similar services.

If you have any questions, please contact me on 301-344-0193.

Sincerely,


JOHN T. JENSEN
Director

Enclosure

IV

Accordingly, pursuant to sections 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 30 and 33, IT IS HEREBY ORDERED THAT LICENSE NOS. 19-00915-03 and 19-00915-06 ARE MODIFIED AS FOLLOWS:

- A. Within 60 days from the effective date of this Order, the Licensee shall retain the services of an expert, independent of the Licensee's staff, with extensive experience in the management and implementation of a broad scope radiation safety program to perform an assessment of the Licensee's radiation safety program. Within the same 60 days, the Licensee shall submit the name and qualifications of the expert to the Regional Administrator, Region I.
- B. Within 120 days of the effective date of this Order, the assessment shall be completed, and a copy of the assessment report shall be submitted to the NRC within the following 15 days. The assessment of the Licensee's radiation safety program shall include, but not be limited to, a review of:
 - 1. the Licensee's organization, and assigned responsibilities and authorities within that organization;

2. the Licensee's program for training and retraining individuals working with NRC-licensed materials in NRC regulations, in the conditions of the Licenses, and in safe practices for using licensed material;
3. the Licensee's methods of approving individuals for the use of licensed materials and developing procedures for the safe use of licensed materials;
4. the Licensee's program for training and qualifying all individuals involved in managing, supervising, inspecting and auditing licensed activities;
5. the Licensee's program of surveillance and audits not only by the corporate radiation safety staff, but also at the individual facilities, to determine compliance by individual users of licensed materials with NRC regulations, the conditions of the NRC Licenses, and the Licensee's own procedures for the safe use of radioactive materials;
6. the adequacy of the existing staffing, both within the radiation safety department, as well as at the individual locations throughout the country, to ensure that the items set forth in Section IV.B.5 of this Order are adequately performed;

7. the Licensee's management of the radiation safety program, including the function of the Radiation Safety Committee and its methods of monitoring the program to ensure that problems are identified are promptly corrected.
8. whether more accountability and control is needed at the Licensee's individual locations since the corporate review of the facility is done only at a three or five year frequency, depending on the types of activities performed at the facilities, and may, in fact, not be inspected at all if the facility only possesses sealed sources.

C. Within 180 days of the effective date of this Order, the Licensee shall submit a performance improvement plan to the Regional Administrator, NRC Region I, describing the methods of implementing the recommendations of the assessment report, or providing justification for alternate or no corrective action if any specific recommendations are not adopted. This plan shall include:

1. action items completed or to be performed;
2. schedules for, or dates of, completion of each specific action item; and
3. a system for monitoring and tracking the status and completion of the action items.

Upon completion of all action items, a final report shall be submitted to the Regional Administrator, NRC Region I.

- D. During implementation of the consultant's assessment, as well as the subsequent performance improvement plan, the Licensee shall provide written quarterly status reports to the NRC Region I office concerning the findings of the assessment, the development of the improvement plan, and the implementation of the plan.
- E. The Regional Administrator, NRC Region I, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order or request a hearing on this Order within 20 days of the date of this Order. The answer may consent to this order. Unless the answer consents to this Order, the answer shall in writing, and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Commission's Document Control Desk. Copies also shall be sent to

the Assistant General Counsel for Hearings and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In the absence of any request for a hearing, the provisions specified in Section IV above shall be effective and final 20 days from the date of this Order without further order or proceedings.

FOR THE NUCLEAR REGULATORY COMMISSION

Hugh L. Thompson
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Dated at Rockville, Maryland
this ____ day of _____, 1993

Escalation/Mitigation Worksheet

EA 92-232

Licensee: U.S. Department of Agriculture

Region I

Facility: SAME

A. Proposed Enforcement Action

One Severity Level III problem with a \$10,000 civil penalty for eleven violations, four of which are repetitive, that in the aggregate, represent a lack of adequate management control of the radiation safety program.

B. Escalation and Mitigation Factors

1. Identification +50%

The violations were identified by the NRC during the inspections, and therefore, 50% escalation based on this factor is warranted.

2. Corrective Action: +50%

The licensee's corrective actions were neither prompt nor acceptable in that they are largely the continuation of actions begun following the 1990 inspection which should have been reasonably completed by the time of the 1992 inspections, and therefore, 50% escalation based on this factor is warranted.

3. Licensee Performance: +100%

The licensee's past performance includes several repetitive violations (See the enclosed enforcement history), and also included the issuance of a \$5,000 civil penalty on August 16, 1990 (Reference EA 90-120) for a similar lack of control of the program, and therefore, 100% escalation based on this factor is warranted.

4. Multiple Occurrences: 0%

While the case did involve multiple examples of the violations, this factor was a consideration in the decision to classify the violations in the aggregate at Severity Level III, and therefore, no adjustment of the civil penalty on this factor is warranted.

5. Prior Opportunity to Identify 0%

While the licensee had prior opportunities to discover the violations via the previous inspection findings, this was a consideration in the decision to escalate the penalty by 100% based on the licensee's past performance, and therefore, no further escalation based on this factor is warranted.

6. Duration: +100%

Since some of the violations, as well as the lack of control of licensed activities has existed over an extended duration, 100% escalation based on this factor is warranted.