

# U.S. NUCLEAR REGULATORY COMMISSION REGION I

Enforcement Conference Report No. 030-04530/92-011

Docket Nos. 030-04530  
030-06923

License Nos. 19-00915-03 Priority 1 Category E1A Program Code 03613  
19-00915-06 Priority 3 Category E Program Code 03520

Licensee: U.S. Department of Agriculture  
6303 Ivy Lane, Room 714  
Greenbelt, Maryland 20770-1433

Enforcement Conference at: Region I Office, King of Prussia, Pennsylvania

Enforcement Conference Conducted: January 19, 1993

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2/5/93  
Date

Approved by: John D. Kinneman  
John D. Kinneman, Chief  
Research, Development and  
Decommissioning Section

2.5.93  
Date

Summary: The findings documented in Combined Inspection Report Nos. 030-04530/92-011 through 92-010 and Report No. 030-06923/92-001 were discussed. The NRC's concerns regarding the failure to implement adequate corrective actions to improve management control of the radiation safety program were discussed, including the reasons for this failure and possible actions to improve management control of the program. Licensee representatives discussed the corrective actions taken and planned.

## DETAILS

### 1. Persons Attending

#### U. S. Department of Agriculture

Essex E. Finney, Associate Administrator, Office of the Administrator,  
Agricultural Research Service

Lewis Smith, Ph.D., National Program Leader, Agricultural Research Service;  
Chairman, Radiation Safety Committee

John T. Jensen, Director, Radiation Safety Staff; Radiation Safety Officer

#### U.S. Nuclear Regulatory Commission

Thomas T. Martin, Regional Administrator, Region I

Richard W. Cooper, II, Director, Division of Radiation Safety and Safeguards,  
Region I

Ronald R. Bellamy, Chief, Nuclear Materials Safety Branch, Region I

John D. Kinneman, Chief, Research, Development, and Decommissioning Section,  
Region I

Karla D. Smith, Regional Attorney, Region I

Daniel J. Holody, Enforcement Officer, Region I

Maitri Banerjee, Enforcement Specialist, Region I

Elizabeth Ullrich, Senior Health Physicist, Region I

\* Patricia A. Santiago, Office of Enforcement

\* Linda L. Kasner, Office of Enforcement

\* Donna Beth Howe, Office of Nuclear Materials Safety and Safeguards

\* by telephone

### 2. Conference Summary

The conference was opened by Mr. Cooper who stated the purpose of the meeting was the discussion of the programmatic weaknesses identified during the recent inspections of U.S. Department of Agriculture (USDA) sites and the violations which had re-occurred or were uncorrected since the previous inspection. He stated that the NRC is particularly concerned with the continued weaknesses in the management control of the radiation safety program, which were identified and discussed at an Enforcement Conference in 1990. In addition, he stated that the NRC is also concerned because commitments made by USDA in 1990 to correct the weaknesses were not carried out or were altered without

consultation with the NRC. He requested that the USDA representatives discuss their perspective on these problems, describe the corrective actions which have been taken since the inspection ended in November 1992 and describe any additional corrective actions planned. He also requested that they discuss why the USDA should be allowed to continue operating under a single NRC license.

Mr. Martin, the Region I Administrator, pointed out that the current multi-site broad scope license gives USDA great flexibility and many privileges. It, therefore, carries many responsibilities, including the expectation that the USDA radiation safety program will perform many of the functions normally provided by the NRC for smaller licensees. He stated that he had expected significant improvement in performance following the 1990 Enforcement Conference and was disappointed that USDA has not met his expectations.

Mr. Finney stated that the USDA understands the seriousness of the NRC concerns and that the USDA is committed to providing the resources necessary to operate an effective radiation safety program. He stated that he believes that the USDA has made progress towards correcting both the individual violations identified as well as the programmatic weaknesses of concern to NRC.

Mr. Jensen stated that, when he began working for the USDA as Director of the Radiation Safety Staff in February 1990, he recognized the need to change the operation of the Radiation Safety Program by substantially increasing the management control of the program. Some of the changes made since 1990 include: representation on the Radiation Safety Committee by all USDA services which use licensed material; hiring of two additional health physicists in February 1991; and, a significant upgrade of the information management system (computer database). He stated that the database management system is very important to maintaining control of the radiation safety program because of the large number of users for whom the radiation safety staff provides services and oversees activities. He discussed the problems encountered in upgrading this information management system and why the upgrade has taken more than two years and is not yet complete.

Mr. Jensen was asked if he believes he has adequate staff to manage the USDA radiation safety program. He responded that the current program includes 340 USDA sites at which licensed material is used, and that the current Radiation Safety Staff performs all authorization reviews and updates for these sites, provides technical information to users, reviews required reports submitted by users, and performs inspections at the sites.

Recently, a dedicated health physicist has been hired for the USDA site at the Beltsville Area Research Center. A significant fraction of the USDA users of licensed material work at this site. The new health physicist will eventually take over the duties now provided by the radiation safety staff health physicists to this site relieving them for other work. Also, two additional health physicist positions were recently approved for the Radiation Safety Staff. When the individuals are hired, he believes that the staff will be sufficient to cover both the current required activities as well as those under discussion with the NRC staff as part of the review of USDA's application to renew their license. He also stated that, as part of their corrective actions, the USDA is considering, for some sites, assigning collateral radiation safety duties to specific individuals. The NRC representatives asked the licensee representatives to discuss how this plan compares to the 1990 commitment to assign collateral radiation safety duties to the Area Safety and Health Managers, and why the proposed location radiation protection officer program should be acceptable to the NRC, since the commitment to the previous corrective action was not met. USDA representatives discussed the difficulties they encountered in implementing the previous commitment to assign similar duties to area health and safety personnel and the fact that they finally decided it would be unworkable.

Mr. Martin reminded the licensee representatives that the USDA had also committed, within six months of their September 1990 letter describing corrective actions, to having a contract for an external audit of the radiation safety program performed by a consultant. However, that contract has not yet been made. The licensee representatives stated that they believed the audit should be delayed until the information management system was upgraded. The representatives stated that decisions involving changes of commitments made to the NRC would be discussed with the NRC in the future.

The licensee representatives were also reminded of their failure to complete all the overdue inspections identified in the 1990 Enforcement Conference, which the USDA committed to complete by December 1991. USDA representatives stated that they have made progress, and have only five remaining overdue inspections which will be performed no later than the end of February 1993. Mr. Martin asked the licensee representatives to further discuss the nature of the audit which is still being planned, and suggested that perhaps a thorough assessment of the radiation protection program, to determine the adequacy of the program, including its design and management, is needed instead.

Licensee representatives stated that they have four proposals for audits from outside contractors at this time, and that the USDA expects the audit to take 2 auditors about 3 days to complete. This audit would include a review of only the central Radiation Safety Staff office at this time, although some of the proposals did include visits to other USDA sites. NRC representatives stated that, from the small number of sites visited by NRC

inspectors and the types of violations identified by the NRC at these sites, it appears that information is either not being provided to users or that users are not being held accountable for their actions and that the current radiation safety program does not appear to be adequate to motivate uniform compliance and safety at USDA facilities. The NRC representatives requested the USDA re-consider including site visits as part of the audit.

Mr. Cooper asked Mr. Jensen to summarize his current schedule for corrective actions to the NRC concerns. Mr. Jensen stated that:

1. The current inspection backlog will be completed by February 28, 1993.
2. An additional health physicist will be selected for the Radiation Safety Staff by March 31, 1993. A second additional health physicist will be selected by April 30, 1993.
3. The interim information management system will be in place by February 28, 1993, and the final information management system for the radiation safety program is expected to be completed by August 31, 1993. If the results of the external audit require substantial changes in the system, the USDA will notify the NRC of the required schedule changes.
4. The USDA will provide the NRC with an outline of their proposed audit no later than January 29, 1993. The NRC agreed to respond with comments no later than February 5, 1993. The radiation safety staff and the Radiation Safety Committee will meet to discuss the comments and the proposed contracts, and will respond to the NRC no later than February 19, 1993 with a schedule for the audit. If no significant changes are required, the USDA will select one of the proposed contracts and the schedule will include a timetable for performance of the audit and submission of a report to the NRC. If significant changes are required, the schedule will include a time table for receipt and review of proposals for a revised audit.
5. The radiation safety staff has completed writing a number of procedures to better enable them to manage the radiation safety program in a consistent manner, and to provide guidance to the Radiation Safety Committee in performing reviews of the program. They will continue to add or revise procedures as needed, and expect the audit to include evaluation of current procedures and recommendations for additional procedures if necessary.



6. The USDA representatives will discuss the proposed duties and responsibilities of location radiation protection officers with the NRC, but is NOT making a commitment to this corrective action at this time. Based on the discussions with the NRC and the Radiation Safety Committee, the Radiation Safety Officer will propose a program to the USDA Administrative Council at their next regular meeting. The USDA will notify the NRC of their decision to implement this program, or to develop alternate management controls, no later than May 31, 1993.

Mr. Jensen was prepared to discuss the details of corrective actions to the specific violations identified during the NRC inspections. NRC representatives requested that information regarding corrective actions taken for the specific violations identified during the inspections be provided in writing following the Enforcement Conference. Mr. Jensen confirmed that most of the specific actions were discussed in the exit meeting held at the licensee's facilities in Greenbelt, Maryland on November 12, 1992.

Mr. Martin stated that the NRC will expect a comprehensive action plan in response to the inspection findings, and that the NRC will be seeking additional information from the USDA in the future. Mr. Finney responded that the USDA will keep the NRC fully informed in the future, including any changes to the corrective actions or the schedule of planned corrective actions.

Mr. Holody summarized the NRC's enforcement options resulting from the conference. Mr. Cooper thanked the licensee for their attendance and closed the meeting.