

ENCLOSURE 1

NOTICE OF VIOLATION

U. S. Department of Agriculture
Beltsville, Maryland

Docket No. 030-04530
License No. 19-00915-03
EA 05-004

Based on an NRC inspection completed on January 6, 2005, a violation of NRC requirements was identified. The violation was discussed with the licensee during an exit meeting on January 6, 2005. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violation is set forth below:

10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access, licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, controlled area means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason; and unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on three separate occasions, the licensee did not adequately secure from unauthorized removal or limit access to portable nuclear gauges in unrestricted areas, nor did the licensee control and maintain constant surveillance of this licensed material. Specifically,

1. on September 6, 2001, a portable gauge containing 50 millicuries of americium 241 was left unattended at a location in Pendleton, Oregon;
2. on December 21, 2001, three portable gauges containing 8 millicuries of Cs-137 and 40 millicuries of Am-241 each were left in an unlocked storage room in Union City, Tennessee; and
3. on May 14, 2003, a portable gauge containing 8.3 millicuries of Cs-137 and 40 millicuries of Am-241 was left in an unlocked storage room in Fort Smith, Arkansas.

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

The NRC has concluded that information regarding the reasons for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in the letter transmitting this Notice, and in NRC Inspection Report Nos. 030-04530/01-001 through 04-004 and 030-06923/02-002 through 04-004. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA 04-219" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest the violation, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 28th day of January 2005

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection Nos. 030-04530/01-001, 030-04530/01-002, 030-04530/01-003,
030-04530/01-004, 030-04530/02-001, 030-04530/02-001,
030-04530/02-002, 030-04530/02-003, 030-04530/02-004,
030-04530/03-001, 030-04530/03-003, 030-04530/03-004,
030-04530/04-001, 030-04530/04-003, 030-04530/04-004,
030-06923/02-002, 030-06923/02-003, 030-06923/02-004,
030-06923/03-002, 030-06923/03-003, 030-06923/03-004,
030-06923/04-002, 030-06923/04-003, and 030-06923/04-004

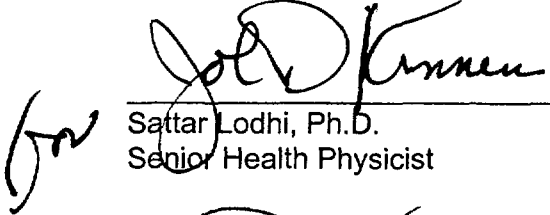
Docket Nos. 030-04530 and 030-06923

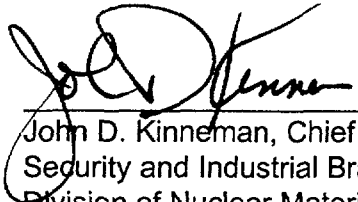
License Nos. 19-00915-03 and 19-00915-06

Licensee: U.S. Department of Agriculture
5601 Sunnyside Avenue
Beltsville, Maryland

Location: Beltsville, Maryland and 26 other locations

Inspection Dates: June 27, 2001 through January 6, 2005

Inspector:  Sattar Lodhi, Ph.D. 1/25/2005
Senior Health Physicist Date

Approved By:  John D. Kinneman, Chief 1/25/2005
Security and Industrial Branch date
Division of Nuclear Materials Safety

EXECUTIVE SUMMARY

U.S. Department of Agriculture (USDA)

NRC Inspection Report Nos. 030-04530/01-001 through 04-004, 030-06923/02-002 through 04-004

The licensee uses licensed material under two NRC licenses. License No. 19-00915-03 authorizes the USDA to use byproduct material for research and development, as approved by its Radiation Safety Committee; in field applications as approved by the Radiation Safety Committee and the NRC; and for research studies in humans as approved by the Radiation Safety Committee and by a Radioactive Drug Research Committee that has been approved by the Food and Drug Administration. License No. 19-00915-06 authorizes the USDA to use cobalt-60 and cesium-137 sealed sources in self-shielded irradiators.

The USDA program continues to function effectively. The Radiation Safety Committee and the senior management are actively involved in the implementation of the radiation safety program. Radiation Safety Staff (RSS) conducts periodic audits of licensed activities at various sites to ensure effective oversight of the program. The audit frequency is similar to the frequency that is specified in NRC Manual Chapter 2800.

This report includes findings of the inspection of 28 different facilities where licensed material is used. The report also includes the inspection of decommissioning activities at the licensee's waste burial site in Ames, Iowa. All inspections were unannounced except the ones at Beltsville site (Radiation Safety Office) and the waste burial site in Ames, Iowa. These inspections identified three violations of 10 CFR 20.1801 which requires that a licensee secure licensed material from unauthorized access. One of these violations was licensee-identified. None of these violations resulted in any loss of licensed material, and the licensee promptly implemented corrective measures to ensure security of stored licensed material. A violation of 10 CFR 30.36(d) was also identified when the licensee did not provide the required notification. The facility involved uses nuclear gauges only. The licensee explained that the nature of their activities requires that the gauges remain available at all times. The permitted activities at the site had not ceased, and although the gauges were not used for some time, they continued to perform leak tests and inventories at the required frequencies so that the gauges remain available for use at all times. Considering the licensee's explanation, the violation is considered a non-cited violation.

The licensee hired a contractor to decontaminate the radioactive waste burial site located in Ames, Iowa. On July 17, 2002, the NRC staff attended a meeting of the contractor and the licensee personnel during which they explained the decommissioning project for the site. All waste buried, including the possibly affected soil, had been removed from the site. On December 23, 2004, Region I received a request dated December 22, 2004, from the licensee to authorize release of the site for unrestricted use. The request is under review.

The licensee also explained its work plan for performing a preliminary study of its radioactive waste burial site located in Beltsville, MD. The plan includes excavation of at least three burial pits out of approximately 50 pits at the location. The licensee expects to use the results of the plan to develop information that is required for the decommissioning of the burial site, including cost estimates of decommissioning the site. On December 3, 2004, Region I received the licensee's formal request (ML043410229) for an amendment to authorize initiation of activities proposed in the work plan. The request is under review.

REPORT DETAILS

I. Status of Previous Violations

a. Inspection Scope

The previous inspection identified a non-cited violation. The violation was related to loss of control of licensed material (15 millicuries of Ni-63) and its unauthorized disposal.

b. Observations and Findings

The inspector reviewed records maintained by RSS and interviewed RSS personnel. On February 24, 2004, the licensee notified the NRC (ML041040764) that on November 25, 2003, a barium 133 source was inadvertently disposed of as ordinary trash. The source was contained in a liquid scintillation counter (LSC) and had original activity of 18 microcuries but had decayed to 7 microcuries at the time of disposal. The licensee had acquired the device under the general license in 10 CFR 31.5(a).

c. Conclusions

Licensee's corrective actions appear to have been effective in controlling disposition of material authorized by the specific licenses. The licensee has implemented several corrective actions to prevent unauthorized disposal of general licensed material. These include training of personnel in proper disposal of licensed material, and the requirement of written certification that radioactive material is removed from the general licensed devices prior to their disposal. The licensee also started compiling an inventory of all LSCs at its facilities.

II. Organization and Scope of the Program

a. Inspection Scope

The inspector reviewed organization and scope of the program with the Director of the Radiation Safety Staff (RSS), interviewed personnel of the RSS, and reviewed documents concerning the organization.

b. Observations and Findings

The U. S. Department of Agriculture (USDA) uses licensed material under two NRC licenses. License No. 19-00915-03 authorizes the use of byproduct material for research and development, and in gauging and measuring devices as approved by the Radiation Safety Committee (RSC); in field applications as approved by the RSC and the NRC; and for research studies in humans as approved by the RSC and by a Radioactive Drug Research Committee that has been approved by the Food and Drug

Administration. License No. 19-00915-06 authorizes use of cobalt-60 and cesium-137 sealed sources in irradiators.

The licensee has established a Radiation Safety Committee (RSC) that provides oversight to the licensed program. The RSC is composed of technical and management representatives of the USDA Office of Personnel, Safety and Health Management Division, the Radiation Safety Officer (RSO) and representatives of each USDA services which uses licensed materials. Radiation safety procedures, and policies are reviewed and approved by the RSC before they are implemented. RSS reviews and approves/disapproves new and renewal permit applications, and all purchase orders for licensed material. RSS also performs inspections of licensed activities of permit holders. These inspections are performed normally at a frequency that corresponds to the frequency of NRC inspections of similar type of licensees. Each site has a Local Radiation Protection Officer (LRPO), who is responsible for the day to day implementation of the radiation safety program at the site. The LRPO reports to the RSO, who has the ultimate responsibility for the implementation of approved radiation safety procedures. The RSO is also the Director of the RSS.

Licensed activities are conducted by seven organizations within the USDA, namely, the Agricultural Research Service(ARS), the Natural Resources Conservation Service (NRCS), the Forest Service (FS), the Food Safety & Inspection Service (FSIS), the Animal & Plant Health Inspection Service (APHIS), the Grain Inspection Packers & Stockyard Administration (GIPSA), and the Agriculture Marketing Service (AMS). Approximately 70% of licensed activities are conducted by the ARS staff. Nuclear gauges are primarily used by the NRCS and FS staff, and irradiators are primarily used by the APHIS staff. Electron capture (gas chromatographs) devices are used by personnel in the FSIS, GIPSA and AMS. The licensee has more than 100 locations across the U.S., where radioactive material or radiation producing machines are used.

c. Conclusions

No violations or safety concerns were identified.

III. Processing Permit Applications

a. Inspection Scope

The inspector reviewed licensee's procedure for approval of permits by RSS, and procurement of licensed material by permit holders.

b. Observations and Findings

Each user of material under the USDA license must have a permit which defines the materials and quantities authorized, the places of use, and the conditions of use. The permit is required to be renewed periodically, to be amended to reflect changes in use,

and to be terminated when use ceases. The licensee is using electronic media to receive permit applications. Permit applications are reviewed by RSS in a timely manner.

Permit holders are not authorized to acquire licensed material without approval by RSS, which reviews permit holder's authorization, possession limits, and facilities before approving the request. RSS Radiation Safety Staff are not aware of any cases in which applicants have provided inaccurate information in permit requests. The licensee maintains updated list of permit holders and their authorizations and inventories of licensed material.

c. Conclusions

The RSS procedures for approval of permits and acquisition of licensed material are satisfactory and no violations were identified.

IV. NRC Inspections of USDA Facilities

a. Inspection Scope

The NRC performed unannounced site inspections at the licensee's 26 facilities. Two announced inspections were performed at facilities located in Beltsville, MD, and Ames, IA. During these inspections, the inspector also reviewed selected records of inspections by RSS of permittees.

b. Observations and Findings

NRC conducted inspections of licensed activities at the following sites:

1. Natural Resources Conservation Service
Carthage, MO
Date of Inspection: June 27, 2001
Inspector: Robert Hays, (RIII)
Inspection Results: No violations identified.
2. RSS Office
Beltsville, MD
Dates of Inspection: September 10, 11, 2001
Inspector: Sattar Lodhi (RI)
Inspection Findings: No violations identified.

3. Nicolet National Forest
Eagle River, WI
Date of Inspection: November 31, 2001
Inspector: Anthony Go (RIV)
Inspection Findings: No violations identified.
4. Madison City Agricultural Complex
Jackson (Union City), TN
Date of Inspection: December 21, 2001
Inspector: Jose Diaz Velez (RII)
Inspection Findings: One violation of 10 CFR 20.1801 identified. A non-cited violation of 10 CFR 30.36(d) was also identified.
5. Plant, Soil and Nutrition Lab
Cornell University, Ithaca, NY
Date of Inspection: May 28, 2002
Inspector: Duncan White (RI)
Inspection Findings: No violations identified
6. Beltsville ARS Labs & Ames Burial site project discussion
Beltsville, MD
Dates of Inspection: July 16, and 17, 2002
Inspector: Sattar Lodhi (RI), accompanied by Chief, Nuclear Materials Safety Branch to discuss decommissioning of the burial site in Ames, IA.
Inspection Findings: No violations identified.
7. Waste Burial Site
Ames, IA
Dates of Inspection: October - November, 2002
Inspectors: Sattar Lodhi (RI) and Robert Hays (RIII)
Inspection Findings: No violations identified.
8. Northeastern Forest Experiment Station
Parsons, WV
Date of Inspection: January 28, 2003
Inspector: Andy Miller (RII)
Inspection Findings: No violations identified.
9. Appalachian Fruit Research Station
Kearneysville, WV
Date of Inspection: January 29, 2003
Inspector: Andy Miller (RII)
Inspection Findings: No violations identified.

10. Cool & Cold Water Aquaculture Research
Kearneysville, WV
Date of Inspection: January 28, 2003
Inspector: Andy Miller (RII)
Inspection Findings: No violations identified.
11. Central Great Plains Station
Akron, CO
Date of Inspection: February 3, 2003
Inspector: James Thompson (RIV)
Inspection Findings: No violations identified.
12. Medical/Agricultural/Veterinary Entomology
Gainesville, FL
Date of Inspection: February 19, 2003
Inspector: Bryan Parker (RII)
Inspection Findings: No violations identified.
13. Agricultural Research Service
Stuttgart, AR
Date of Inspection: February 24, 2003
Inspector: James Thompson (RIV)
Inspection Findings: No violations identified.
14. ARS Crop Science Research Lab
Mississippi State, MS
Date of Inspection: March 8, 2003
Inspector: Andy Miller (RII)
Inspection Findings: No violations identified.
15. Water Conservation Lab
Phoenix, AZ
Date of Inspection: March 25, 2003
Inspector: Mark Shaffer (RIV)
Inspection Findings: No violations identified.
16. Pink Bollworm Rearing Facility
Phoenix, AZ
Date of Inspection: March 25, 2003
Inspector: Mark Shaffer (RIV)
Inspection Findings: No violations identified.

17. Western Cotton Research Lab
Phoenix, AZ
Date of Inspection: March 25, 2003
Inspector: Mark Shaffer (RIV)
Inspection Findings: No violations identified.
18. Natural Resource Conservation Service
Hope, AR
Date of Inspection: May 13, 2003
Inspector: James Thompson
Inspection Findings: No violations identified.
19. ARS Labs
Fort Smith, AR
Date of Inspection: May 14, 2003
Inspector: James Thompson (RIV)
Inspection Findings: A violation of 10 CFR 20.1801 was identified
20. Natural Resource Conservation Service
Brookings, SD
Date of Inspection: May 15, 2003
Inspector: Larry Donovan (RIV)
Inspection Findings: No violations identified.
21. Rocky Mountain Research Station
Rapid City, SD
Date of Inspection: May 30, 2003
Inspector: Emilio Garcia (RIV)
Inspection Findings: No violations identified.
22. Columbia Plateau Conservation Research Center
Pendleton, OR
Dates of Inspection: August 11, 12, 2003
Inspector: Randy Erickson (RIV)
Inspection Findings: A licensee-identified violation of 10 CFR 20.1801 was identified
23. N.W. Watershed Research Center
Boise, ID
Date of Inspection: February 3, 2004
Inspector: Larry Donovan
Inspection Findings: No violations identified.

24. Northwest Irrigation and Soils Research Laboratory
Kimberly, ID
Date of Inspection: February 3, 2004
Inspector: Larry Donovan (RIV)
Inspection Findings: No violations identified.
25. Forest Products Laboratory
Madison, WI
Date of Inspection: June 6, 2004
Inspector: Michael Lafranzo (RIII)
Inspection Findings: No violations identified.
26. Northeastern Forest Experimental Station
Delaware, OH
Dates of Inspection: June 16, 2004
Inspector: George Parker (RIII)
Inspection Findings: No violations identified.
27. Natural Resources Conservation Service
Council Bluffs, IA
Date of Inspection: June 23, 2004
Inspector: Robert Hays (RIII)
Inspection Findings: No violations identified.
28. Avian Disease & Oncology Lab
East Lansing, MI
Date of Inspection: July 21, 2004
Inspector: Geoffrey Warren, (RIII)
Inspection Findings: No violations identified.
29. RSS
Beltsville, MD
Date of Inspection: September 14, 2004
Inspector: Sattar Lodhi, accompanied by Chief, Nuclear Materials Safety Branch
Inspection Findings: Exit meeting summarizing the findings of above inspections.

The inspector reviewed the report of an event that occurred on September 6, 2001, at the ARS facility in Pendleton, Oregon. The licensee reported the event on September 10, 2001, and sent written reports to the NRC (ML012900307) and (ML012610394). During an inspection of the facility on August 11 and 12, 2003, an NRC inspector reviewed the report (ML012900307) and other related documents (ML012910394) related to the event. An authorized user was using a nuclear gauge at a farm that is located approximately 6 miles from the Research Station in Pendleton, Oregon. During the use of the gauge, its sealed source containing 50 millicuries of americium-241 became stuck in a trench approximately 7 ft deep, and the user could not retract the source to its shielded position. The source remained unattended while the

user went to get equipment to dig out the source tube. The licensee reported that the source was retrieved undamaged and the user received a radiation dose of 13 millirem to the whole body. The USDA Radiation Safety Staff identified the violation and revised its procedures for use of nuclear gauges to prevent similar incidents in the future, and provided additional training to users. Licensee's emergency procedures require that the users not leave licensed material unsecured at a site and do not attempt to retrieve stuck sources without the help of the LRPO and RSS. The LRPO and the site management determined that the individual had disregarded the emergency procedures and revoked the individual's authorization to use licensed material.

During the inspection of its facilities in Union City, TN, on December 21, 2001, the inspector noted that the location of storage of licensed material was not properly secured. The licensee had three nuclear gauges, each containing 8 millicuries (mCi) of cesium 137 and 40 mCi of americium 241 stored at the facility. Each of the gauges was locked at its handle, thereby preventing unauthorized exposure of the source rod. Two of the gauges were stored inside transportation containers, and these containers were locked. However, one of these gauges was stored in an ABS#5 container, that was not locked. The inspector determined that an unauthorized individual could have access to this gauge. The permit holder immediately had a locksmith reverse the storage room lock so that the room was locked and entry to the storage room could not be made without a key. The member of RSC representing the responsible agency sent a memo to all of the agency's permit holders describing the security problem at this location and recommended that they review their security procedures to ensure security of licensed material.

During the same inspection, the inspector also noted that the licensee had not used the gauges in the last 24 months, and had not notified the NRC within 60 days of ending the 24 month period, nor commenced decommissioning. This is an apparent violation of 10 CFR 30.36(d). The licensee stated that licensed activities at the site had not ceased and the gauges were not in permanent storage. They were being leak tested and inventoried at the required frequency. The licensee explained that at few sites the gauges are not used very frequently, but the nature of their activities requires that the gauges remain available and ready for use on a short notice. For example, the dam and irrigation construction projects have a long lead time and there are periods when construction activity is suspended and therefore, the gauges are not in constant use at such sites. To ensure compliance with the notification requirement, the licensee has reviewed usage of licensed material during inspections of its facilities conducted by RSS and identified programs where materials may not have been used in more than 24 months. Such programs are required to dispose of their materials or submit their plans for future use.

During an inspection on May 14, 2003, of licensee's facilities located in Atkins, AK, the inspector noted that the building that included the storage room was unattended and unlocked. There was a contract worker of the licensee present at the facility. The door to the storage room within the building was closed but was also unlocked. The inspector noted that a nuclear gauge was stored in the room. The gauge contained 8.3 mCi of

cesium 137 and 40 mCi of americium 241. The licensee stated that the facility had been inspected by RSS personnel on the same day and had found the storage room door locked. They had requested the local LRPO to unlock the door so that they could verify that the gauge was in the storage room. Apparently the RSS personnel and the LRPO each assumed that the other will lock the door. Shortly after the RSS personnel left the facility, the NRC inspector arrived and observed the unlocked doors. The licensee took prompt action to secure the stored material. The corrective actions to prevent recurrence of such events included: the RSO retrained the RSS inspectors and emphasized that they must ensure that all licensed material is returned to its secure storage location before they complete their inspection. The corrective actions also included a reminder to all USDA permit holders of their responsibility to secure licensed material.

10 CFR 20.1802 requires that a licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted area. The three events described above are examples of violations of 10 CFR 20.1801.

The inspections of the remaining 25 facilities did not identify any violation of NRC regulations.

The RSS also conducted 125 routine inspections since September 6, 2001 (the date of event at its site in Pendleton, OR) and the inspections included a review of security of licensed material, and wherever appropriate, made recommendations to the site management to enhance security of licensed material. The need for increased security is emphasized in the training program and in the newsletter that the RSS sends to permit holders a few times every year.

c. Conclusions

The inspections identified three violations of 10 CFR 20.1801. Based on the explanation provided by the licensee, the violation of 10 CFR 30.36(d) is considered a non-cited violation. Licensee took prompt corrective actions to prevent recurrence of the violations.

V. Cessation of Activities & Decommissioning of Burial Sites

a. Inspection Scope

The inspector reviewed licensee's plans for decommissioning of its radioactive waste burial sites, and notifications of cessation of permitted activities at a few of its locations.

b. Observations and Findings

The licensee submitted an Engineering Evaluation and Cost Analysis (EE/CA) dated March 20, 2002 (ML020810241) for the decommissioning of its radioactive waste burial

site located at its facilities in Ames, IA. On July 17, 2002, the inspector and Chief of Nuclear Materials Safety Branch 2 attended a conference with the licensee and its contractor for the project. The meeting was requested by the licensee to explain its plans for the decommissioning of the burial site. The licensee submitted a revised EE/CA report dated July 15, 2002 (ML022260261), and in a letter dated August 20, 2002, provided additional historical assessment documents (ML022390595). The licensee submitted a final revised version of EE/CA (ML 022690109) in a letter dated September 11, 2002, and in a subsequent letter dated August 16, 2002 (ML022330227), requested an amendment to its license to authorize initiation of decommissioning activities at the site. The NRC prepared an Environmental Assessment and Finding of No Significant Impact (ML022890573), and published A Notice of Consideration of the amendment request, and Notice of Availability of the Documents in Federal Register Volume 67, No. 206, pages 65369 - 65370, and 35370-65374 respectively.

On October 24, 2002, the NRC approved the licensee's request and issued Amendment No. 118 to License No. 19-00915-03 (ML022970085), authorizing initiation of the decommissioning activities at the burial site.

The licensee has excavated all radioactive waste that was buried in 16 pits at the site. All excavated waste, and all possibly affected soil from the pits has been disposed of by transfer to waste disposal facilities. In a letter dated April 29, 2003 (ML031280009), the licensee submitted a report dated March 14, 2003, (ML031280019) of its activities at the site that included the results of excavation of the radioactive waste, characterization, packaging and removal of the excavated waste from the site. The letter also stated that they planned to conduct additional analysis of ground water near the burial site to determine whether there is any radioactive or hazardous chemical contamination. In a letter dated March 24, 2003 (ML031050044), the licensee submitted a final work plan for investigating the ground water near the burial site. In a letter dated December 22, 2004, the licensee provided the results of its investigation of ground water around the burial site and based on the results of the previous radiological surveys of the burial site, and the ground water analyses, requested authorization to release the burial site for unrestricted use. The request is under review.

Pursuant to the requirements in 10 CFR 30.36, the licensee notified the NRC of termination of licensed activities at its facilities located at Logan, UT, Rhinelander, WI, Miami, FL, and Athens, GA (ML022480093, ML032970457, ML033040333, ML040930404).

The licensee in a letter dated February 26, 2004 (ML040760643), notified the NRC of its intent to decommission two small radioactive waste burial sites located at its facilities in Mission, TX, and submitted a work plan for the decommissioning of the sites. The licensee has not yet formally submitted a request to authorize initiation of decommissioning activities at the site.

During a meeting on September 14, 2004, the licensee explain to NRC management its plan for performing a preliminary study of its radioactive waste burial site located in

Beltsville, MD. The plan includes excavation of at least three burial pits out of approximately 50 pits at the location. The licensee expects to use the results of the work plan to develop information that is required for the decommissioning of the burial site, including reliable cost estimates of decommissioning the site. On December 3, 2004, Region I received the licensee's formal request (ML043410229) for an amendment to authorize initiation of activities proposed in the work plan. The request is under review.

c. Conclusions

The licensee's activities to decommission a few of its radioactive waste burial sites are continuing. The licensee has determined that the analyses of soil and water samples from the excavated site at Ames, IA, indicate that the facility meets the NRC criteria for release for unrestricted use and has submitted a formal request to authorize release the facility for unrestricted use. The NRC is reviewing this request and the request to initiate decommissioning activities at the Beltsville burial site.

VI. Exit Meeting

The inspector discussed the findings of the inspections at a preliminary exit meeting with Mr. James Stevens and other members of the Radiation Safety Committee in September 2004 and at a final exit discussion with Mr. John Jensen on January 6, 2005. The licensee explained the corrective actions that have been implemented to prevent recurrence of the violations identified during the inspections. During the September meeting, the status of waste burial site at Ames, IA, and the proposed plans to initiate decommissioning activities at the Beltsville, MD, and Mission, TX were also discussed. NRC management emphasized the need to decommission the various burial sites especially the Beltsville, MD site.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

†James Stevens, Safety and Health Management, Human Resources Management, USDA

†John Jensen, Director, Radiation Safety Staff and Radiation Safety Officer
Jack Patterson, Health Physicist, Radiation Safety Staff
Dan Sharp, Health Physicist, Radiation Safety Staff

†Ronald Korcak, Chairman, Radiation Safety Committee and Associate Director, ARS, Beltsville Area

Various employees at USDA facility inspections

†denotes those present during the exit meeting