



**United States
Department of
Agriculture**

NOV 20 2007

**Office of the
Assistant Secretary
for Administration**

**Office of
Procurement and
Property
Management**

**300 7th Street
Southwest
Room 302
Reporters Building**

**Washington, DC
20024-9300**

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Reply to a Notice of Violation, EA No. 06-169
License No. 19-00915-03
License No. 10-00915-06

This is in response to your letter dated October 25, 2007, with a Notice of Violation describing two violations of Nuclear Regulatory Commission regulations at the Department of Agriculture (USDA) facilities identified during inspections you conducted between March 2005 and August 2007.

Item A. of the Notice of Violation describes our failure to properly secure a portable gauging device at our location in Sioux City, Iowa. The gauge storage area had only one locked barrier rather than the two locked barriers required by 10 CFR 30.34(i). The door to the conference room next to the storage area was not locked when the inspector arrived at the facility and was not always locked during normal business hours. Employees at the facility did not always lock the second door because of frequent use of the conference room and they felt that they had adequate control over who was entering the room. The Location Radiation Protection Officer (LRPO) immediately changed procedures for locking and controlling access to the conference room. In January 2006, the LRPO added a permanent second locked barrier by placing the gauges in a locked metal cabinet within the locked storage closet. Since your inspection of October of 2005, the Radiation Safety Staff (RSS) has frequently reminded all portable gauge users of the requirements for two locked barriers through written communications and emphasized the new requirements during at training course for gauge users. The RSS has reviewed security measures during their on-site location inspections they have conducted and have made recommendations to improve security where needed.

Item B. of the Notice of Violation describes our failure to test sealed sources used at two USDA locations for radioactive leakage at proper intervals. After reviewing records maintained at the office in Beltsville, Maryland, we have determined that the leak tests were performed and that the locations did not maintain the records of those tests. The RSS sent copies of the leak test records (which show there was no radioactive leakage from these sources) to the locations on November 15, 2007. The RSS reminded the LRPO's at these locations that the

IE01

Page 2

records must be maintained on site for review by NRC inspectors. The RSS is developing a web-based database that will display the results of leak tests for all USDA sources and will be available for review at all locations via the internet. This system should be available in March 2008.

USDA is committed to the safe use of radioactive materials and compliance with the Nuclear Regulatory Commission (NRC) regulations. The USDA Radiation Safety Committee provides oversight to our Radiation Safety Program and has worked with the RSS and the USDA agencies to ensure actions were taken to correct these violations and prevent future occurrences. We take compliance with all NRC requirements very seriously and we will continue to monitor security and records management procedures to ensure that our corrective actions are effective.

If you have any questions, please contact me on 202-720-9448 or John Jensen, the Department's Radiation Safety Officer, on 301-504-2441.

Sincerely,



Glenn D. Haggstrom
Director

cc: Samuel Collins, Administrator, NRC Region I
Brian Holian, Director, Nuclear Materials Safety, NRC
Boyd K. Rutherford, Assistant Secretary for Administration, USDA
Ron Korcak, Chairman, USDA Radiation Safety Committee