



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

October 21, 2014

Docket No. 03004530

License No. 19-00915-03

John T. Jensen
Chief Radiation Safety Division
United States Department of Agriculture
Office of Homeland Security and Emergency Coordination
Radiation Safety Staff
5601 Sunnyside Avenue, Mailstop 5510
Beltsville, MD 20705

SUBJECT: NRC INSPECTION REPORT NO. 03004530/2014013, UNITED STATES DEPARTMENT OF AGRICULTURE, THE NATIONAL LABORATORY FOR AGRICULTURE AND THE ENVIRONMENT, AMES, IOWA, AND NOTICE OF VIOLATION

Dear Mr. Jensen:

On September 26, 2014, Dennis Lawyer of this office conducted a safety inspection at the National Laboratory for Agriculture and the Environment, 2110 University Blvd., Ames, Iowa of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with Caroline Peterson and Jerry L. Hatfield of your organization at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to perform refresher radiation safety training every three years.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the

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NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake Welling, Chief
Commercial, Industrial, R&D and Academic
Branch
Division of Nuclear Materials Safety

Enclosures:
Notice of Violation
Excerpt from NRC Information Notice 96-28

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Enclosures:
Notice of Violation
Excerpt from NRC Information Notice 96-28

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NAME	DLawyer/dl		BWelling/bw			
DATE	10/20/2014		10/21/2014			

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NOTICE OF VIOLATION

United States Department of Agriculture
Beltsville, MD

Docket No. 03004530
License No. 19-00915-03

During an NRC inspection conducted on September 26, 2014, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 33 of the License No. 19-00915-03 requires, in part, that the licensee shall conduct its program in accordance with the statement, representations, and procedures contained in the documents, including any enclosures in the license application dated August 23, 2005. Item 8.1 of the license application dated August 23, 2005, "Radiation Use Permit Holders and Associate Users," specifies that refresher radiation safety training will be provided to all users every three years.

Contrary to the above, the licensee did not provide refresher radiation safety training to all users every three years. Specifically as of September 26, 2014, only one of six material users had received refresher radiation safety training since March 17, 2011, a period greater than three years.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, United States Department of Agriculture is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction.

Notice of Violation
United States Department of Agriculture

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However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 21 day of October 2014