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Agriculture

Agricultural
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Service

Administrative
Management
Office of the
Deputy Administrator

Beltsville, Maryland
20705

MAR 22 1989

U.S. Nuclear Regulatory Commission
ATTN: John Jensen
475 Allendale Road
King of Prussia, Pennsylvania 19406

Docket Nos. 030-04530

Gentlemen:

This letter is in response to John D. Kinneman's letter dated January 23, 1987, and the Notice of Violation attached to his letter as Appendix A.

I have reviewed Mr. Kinneman's letter and the Notice of Violation with the Chairman of the Radiological Safety Committee and Mr. Robert Jarrett, USDA's Radiological Safety Officer. The following actions have been or will be taken to correct the items identified in these documents.

Unidentified Source - Watkinsville, Georgia

Mr. Jarrett confirms that on June 4, 1987, the unidentified source at Watkinsville, Georgia, was identified as a 2 mCi RaBe source procured in 1958 by G. G. Williams. This source has been leak tested on 10/02/87, 02/23/88, and 09/16/88. The results of these tests show that the source is not leaking. Under the provision of condition 12 A(3), this source is excepted from periodic leak testing in that it is in storage and not being used. This source will be leak tested before it is transferred to another person or put back in use, unless it has been tested within 6 months before the date of the transfer or use.

Action to be taken

- To locate radioactive materials that may be at a facility and not included in the USDA inventory, a letter will be prepared and sent within 60 days to each responsible user of radioactive materials. This letter will identify the inventory of radioactive materials charged to the responsible user and request that they verify the inventory. They will be asked to provide modifications as necessary to make the inventory accurately reflect the radioactive materials in their work areas.

Management of the Radiological Safety Program

Action to be taken

- The Radiological Safety Committee and the Associate Deputy Administrator for Administration Management, Dr. A. H. Nies, are conducting an evaluation of the Radiological Safety Staff to determine if there is a need to modify their operational procedures to insure compliance with the requirements of the license and to determine the Staff's ability to meet its commitments.

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Security of Computer Based Records

Action to be taken

- The protection of the computer records is being reviewed and corrective actions will be taken to insure, with the funding restrictions, that the data will be protected. I have had two computer experts on my staff evaluate the problem and they will provide recommendations on how best to protect the data within 30 days.

Item A of Appendix A

We have reviewed the security problems identified in violation A and concur with the evaluation made on page 2 of Mr. Kinneman's letter in that the items were relatively inaccessible in the facilities and, because the entire facilities are considered "controlled" to general access, they were not relatively removable by unauthorized individuals.

We believe the Berkeley, California, facility cited is in the USDA Pacific Southwest Forest and Range Experimental Station. However, this facility is not approved for iodine-125 and does not have any of this radioisotope in storage in a greenhouse. The facility does have P-32 waste being stored in a greenhouse for decay. Based upon the citation, we contacted Dr. C. S. Kinlaw and she informed us that since the NRC inspection the greenhouse has had a lock installed and the laboratory lock has been re-keyed. The key to the laboratory is accessible only to members of her staff and the building manager. All containers of radioactive waste in storage are labeled as required by 10 CFR Part 20.

The room at the Water Conservation Laboratory, Phoenix, Arizona, in which the 100 millicurie source of cesium-137 is installed has been equipped with a lock to prevent unauthorized removal of the source.

Action to be taken

- To insure that the radioactive materials are secured against unauthorized removal, we will recommend that self-closing doors and automatic locks be installed on rooms where radioactive materials are used or stored and, if keys are used, they be on the master key system. Also, storage and waste containers must be located in secured rooms where the radioactive materials are used or be secured to prevent unauthorized removal.

Item B. 1. of Appendix A

An inspection of this facility was conducted by a member of the Radiological Safety Staff in November 1988.

Item B. 2. of Appendix A

It is not possible to provide detailed information on the actions taken at the facilities identified, as there is no indication of the individuals involved. Mr. Jarrett has been unable to identify any person at these locations using the

equipment that had not been Committee approved. Dr. Nakayama at the Water Conservation Laboratory in Phoenix, Arizona, informed Mr. Jarrett that he was unable to locate (during the inspection) copies of the Committee approvals and this may be the reason the location was listed as having unapproved users. He located the approvals after the inspector left the facility. Mr. Jarrett informed me that he showed Mr. Jensen copies of the approvals for the people at Phoenix during his inspection of the Radiological Safety Staff.

Item B. 3. of Appendix A

The 100 millicurie cesium-137 sealed source at the Water Conservation Laboratory in Phoenix, Arizona, has had a new label attached as required.

Item C. of Appendix A

The Sparks, Nevada, facility has been provided a copy of the shipping instructions for nuclear gauges developed by the Radiological Safety Staff. These instructions provide details on packaging, labeling, preparing shipping papers, and other requirements of DOT.

Item D. of Appendix A

Details on USDA's procedures for approving responsible user at a facility was discussed with Mr. Jensen during his inspection. At this facility there was a person that had been approved as an independent user of gauges at another location, and he was replacing a person that had retired from the Gilroy facility. When a new responsible person is approved, we require that they submit a number of things, such as a sketch of the storage facility, training they will provide independent users of the gauges, training they will provide transporters of the gauge, emergency procedures, leak test procedures, security, etc. Until this material is obtained, we do not approve the new person as the responsible person for the location; however, they may already be approved as an independent user of gauges. This insures that the material will be sent; however, it may result, as in the case of the Gilmore facility, in a period when there is officially no responsible user at the site. During this period the Radiological Safety Staff maintains records on the location that include: leak test, inventory, personnel exposure, approver users, etc.

Item E. of Appendix A

The items identified were obtained by a person whose employment was terminated and while we were informed that their inventory was properly disposed of, it is apparent that it was not.

Action Taken

- These items have been added to the inventory of another researcher at this facility that is approved to use electron capture detectors.
- The computer program that allows a person to be removed from the active list of approved users, now checks the inventory file and if the person has any inventory of radioactive materials the program will not allow the person to be removed.

Item F. of Appendix A

Every person that is approved to use radioactive materials is issued a copy of the Radiological Safety Handbook and a modified NRC-3 form. The Richard B. Russell Research Center in Athens, Georgia, has 16 persons approved to use radioactive materials and, during the inspection of this facility by the Radiological Safety Staff, it has been confirmed that the facility has a number of the Form NRC-3 posted and the researchers have copies of the handbook.

Action to be taken

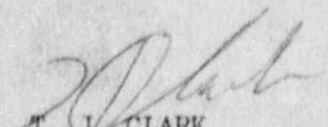
- The Radiological Safety Staff is planning to send copies of the current Form NRC-3 with its inventory verification request within the next 60 days to all approved responsible users of radioactive materials.
- As stated above, all locations that have approved users have copies of the handbook. This handbook is being updated and, when approved, will be sent to all approved users and to any person approved to use radioactive materials.
- A letter will be prepared and sent to each responsible user, that will contain Mr. Kinneman's letter and Appendix A. This letter will identify the items of noncompliance and a request that the users determine if their use, receipt, storage, transfer, posting, and shipment of radioactive materials are in compliance and, if not, they are to correct the items of noncompliance.

It is believed that sending the material described above will bring to the attention of all responsible users the items identified by NRC inspectors as violations and will result in their reviewing their use, storage, transporting, transferring of radioactive materials. This combined with the increased monitoring for these items during inspections will result in full compliance by June 1, 1989.

It would be appreciated if, in your future correspondence regarding facilities, the facility description would include the Agency involved. USDA often has more than one facility using radioactive materials in a given city and from your report we are unclear as to the which facility is being cited.

If additional information is needed, it will be furnished upon request.

Sincerely,



T. J. CLARK

Deputy Administrator