



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

August 18, 2020

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

SUBJECT: U.S. DEPARTMENT OF AGRICULTURE - NRC INSPECTION NO.  
03006923/2020002 AND NOTICE OF VIOLATION

Dear Mr. Jensen:

This letter refers to the inspection conducted on July 31, 2020, at your Phoenix, Arizona facility. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. We discussed the results of the inspection with you during a telephone exit meeting on August 11, 2020.

Based on the results of this inspection, the NRC has determined that a repeat Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. 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. 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 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 NRC Web site 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.

If you have any questions regarding this matter, please contact Randolph Ragland of my staff at 610-337-5083 or via electronic mail at [Randolph.Ragland@nrc.gov](mailto:Randolph.Ragland@nrc.gov).

J. Jensen

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Thank you for your cooperation.

Sincerely,

Chris Cahill, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 03006923  
License No. 19-00915-06

Enclosure: Notice of Violation

cc: Eoin Davis, Acting Facility Director

U. S. DEPARTMENT OF AGRICULTURE - NRC INSPECTION NO. 03006923/2020002 AND  
NOTICE OF VIOLATION August 18, 2020

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OFFICE	Region I	Region IV	RI:DNMS		
NAME	RRagland (RCR)	JDykert (JD)	CCahill (CC)		
DATE	8/13/2020	8/17/2020	08/18/20		

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

United States Department of Agriculture  
Beltsville, Maryland

Docket No. 03006923  
License No. 19-00915-06

During an NRC inspection conducted on July 31, 2020, at your Phoenix, Arizona facility, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

NRC License Number 19-00915-06, Amendment No. 69, dated July 29, 2020, requires, in part, that the licensee shall conduct its program in accordance with the statements listed in License Condition 18 E.

License Condition 18 E, through letter dated April 8, 2016, states, in part, in Section 10.2, "Instruments," that the licensee will use instruments that meet the radiation monitoring specifications in Appendix K to NUREG-1556, Volume 5, "Program Specific Guidance About Self Shielded Irradiator Licenses."

Appendix K requires, in part, that a radiation monitoring instrument used with a moving-source gamma irradiator be checked with a source of radiation at the beginning of each day of use to ensure that it will respond accurately to radiation and alarm at 0.02 mSv (2 mrem) per hour.

Contrary to the above, from at least February 19, 2017, to July 31, 2020, the licensee failed to check the radiation monitoring instrument used with a moving source gamma irradiator, with a source of radiation at the beginning of each day of use to ensure that it will respond accurately to radiation and alarm at 0.02 mSv (2 mrem) per hour. Specifically, the radiation monitor interlocked with the moving source gamma irradiator was not checked with a source of radiation at the beginning of each day of use to ensure that it will respond accurately to radiation and alarm at 2 mrem per hour.

This is a repeat 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. 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 18 day of August 2020