

August 22, 1996

Dr. Robert W. Kuckuck
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Lawrence Livermore National Laboratory
P.O. Box 8078, L-001
Livermore, CA 94551

Re: Noncompliance Report NTS-SAN--LLNL-LLNL-1996-0002

Dear Dr. Kuckuck:

This letter refers to the Department of Energy's (DOE) evaluation of Lawrence Livermore National Laboratory's (LLNL) report of a potential noncompliance with the requirements of 10 CFR 835 (Occupational Radiation Protection). This potential noncompliance involved the failure to complete required radiological worker retraining for 49 percent of LLNL's approximately 700 radiological workers.

The training issue was initially identified on May 6, 1996, by LLNL during a routine review of the Chemistry and Materials Science deficiency tracking system when the administrative supervisor discovered that four individuals were not current in their required radiological training. Further investigation by LLNL of the laboratory's training databases indicated the potential of a site-wide problem, and on July 12, 1996, a site-wide assessment documented a lapse in completing the required training for 49 percent of LLNL's radiological workers.

Based upon our evaluation, we have concluded that a noncompliance with 10 CFR 835, Radiation Safety Training occurred. This issue raises a concern because of the large percentage of unqualified workers which is indicative of a programmatic weakness in the training and qualification areas of your radiation protection program. DOE would normally issue an enforcement action for a violation of this nature and would consider imposition of civil penalties. However, DOE recognizes that once the initial issue was identified, LLNL continued to expand the scope of the investigation until the full extent of the training problem was determined. As a result, LLNL identified a larger programmatic training problem from an initial deficiency. DOE has also evaluated the corrective actions and schedules provided in your Noncompliance Tracking System (NTS) report and has concluded that the corrective actions, if fully implemented, will provide a reasonable approach to correct the identified

noncompliance and address the programmatic weakness. DOE has coordinated the review of field implementation of selected corrective actions with DOE-Oakland and has concluded that these actions have been implemented at the facility level. As of July 19, 1996, 79 percent of radiation workers have completed the required training.

These corrective actions, coupled with a continuing effort to ensure that the program is fully implemented at the facility level, meet the discretionary criteria described in DOE's nuclear safety enforcement policy. Therefore, the exercise of discretion not to undertake enforcement action at this time is warranted. However, the final decision whether to refrain from taking an enforcement action is contingent upon the adequacy of implementation of both the short and longer term corrective actions. A member of my staff will continue to coordinate the review of the status of your corrective actions with the DOE-Oakland Price-Anderson Coordinator, and in particular, DOE will follow implementation of the training management systems as reflected in the NTS corrective actions.

If you would like to discuss these matters further, please contact
Susan Adamovitz at (301) 903-0125.

Sincerely,

R. Keith Christopher
Director
Office of Enforcement and Investigation