United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
Division of Transportation
MC-307

MAY 12 2008

Regional Administrator
U.S. Nuclear Regulatory Commission, Region IV
612 East Lamar Blvd., Suite 400
Arlington, TX 76011-4005

RECEIVED
MAY 19 2008
REGION IV

Dear Sir/Madman:

This is in response to your letter of NOTICE OF VIOLATION INSPECTION REPORT 030-08502/2008-01; License Number: 40-15053-01.

Violation A: 10 CFR 20.1101(c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee failed to periodically review its radiation protection program content, and implementation at least annually. Specifically, annual reviews of the licensee's radiation protection program were not conducted in 2006 and 2007.

This is a Severity Level IV violation (Supplement IV).

Response:

(1) The violation occurred due to the new RSO's lack of experience with the RSO duties, and failure to learn the duties and their timetables. The RSO viewed the oversight duties as a constant process, and did not have proper training emphasis on the annual review and its importance.
(2) Robert Brown, NRC, has provided additional knowledge to the RSO and a copy of the NUREG-1556. Working with Mr. Brown has given the RSO a better understanding of the annual and semi-annual responsibilities.
(3) Our office lost approximately 35 percent of our personnel in December of 2006. This has increased workloads throughout the office.
(4) Our office was relocated one floor lower in the Aberdeen Federal Building, with the move ending in February, 2006. We are still finding files of paperwork that were "displaced" by the move.
(5) This issue is in full compliance as of May 7, 2008.

Violation B: Condition 14. A of your license requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. The interval specified in the certificate of registration is every 12 months.

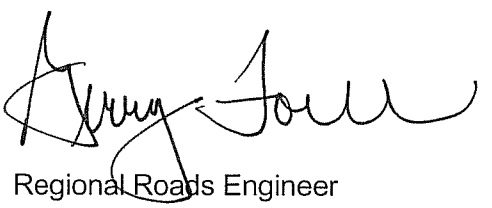
Contrary to the above, the licensee failed to leak test sealed sources between May 11, 2005 and February 19, 2008; an interval exceeding 12 months.

This is a Severity Level IV violation (Supplement IV).

(1) This violation also occurred due to the new RSO's lack of experience with the RSO duties, and failure to learn the duties and their timetables.
(2) The personnel reduction and office relocation mentioned above also contributed to this violation.
(3) All of our gauges have been leak tested since the inspection, with the samples analyzed on April 15, April 17, and May 2, 2008. No leaks were found.
(4) This issue is in full compliance as of May 7, 2008.

If you have any questions, please call Gerry Foell, Regional Roads Engineer, at (605) 226-7645.

Sincerely,



Regional Roads Engineer

cc: U.S. Nuclear Regulatory Commission