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REPLY TO NOTICE OF VIOLATION

Tribal Transportation Program
Poplar, Montana

Docket: 030-37560
License: 25-29274-01

July 2, 2013

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

SUBJECT: NRC INSPECTION REPORT NO. 030-37560/2013-001 AND NOTICE OF VIOLATION

Dear Sir:

In response the above titled notice of violation we offer the following corrective actions taken, as well as measures implemented to prevent any further violations as attached.

As was mentioned to the Inspector, the Tribal Transportation Program (TTP), formerly Indian Reservation Roads (IRR) has had numerous management and personnel changes that affected the monitoring of these nuclear devices. We are confident these violations will not occur in the future. Management, Engineering and the RSO are aware of the consequences and will take every precaution to maintain compliance with NRC regulations and ensure continuity of the radiation protection program.

Sincerely,



Cleo Hamilton
TTP Director

cc: Regional Administrator, Region IV

REPLY TO NOTICE OF VIOLATION

Tribal Transportation Program
Poplar, Montana

Docket: 030-37660
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- A. The previous (original) RSO did not inform management of the requirement to notify the NRC of license changes before or upon his resignation from the program in 2012. On April 5, 2013, two weeks before the unannounced visit by the NRC inspector, program staff and management were trained and made aware of the NRC regulatory requirements, as well as radiation safety, nuclear gauge use, and hazardous materials transport.

As an immediate corrective measure, the program mailed a license amendment to the NRC. The amendment 1) named a new RSO, and 2) updated the program name change (Part B) to reflect new federal law.

- B. The highway bill recently enacted by Congress, MAP-21, changed the nationwide Indian Reservation Roads (IRR) Program to the Tribal Transportation Program (TTP). As with Part A herein, the previous RSO did not keep management abreast of license amendment requirements, so program management was unaware that it needed to amend its license when the new highway bill took effect. The program has filed a license amendment as an immediate corrective action.

- C. In a recent conversation with the previous RSO, the program management has learned that a representative from NRC did approve the storage location of the gauges as found during the April 18, 2013, inspection. An inspection on May 14, 2008, identified no violations (NRC Docket Number 030-37560, Report Number 2008-001); at that time, the gauges were located in a shipping container in our construction equipment storage yard. The equipment storage yard is directly across the street from the back gate of our main facility in Poplar, Montana. The gauge storage location did provide three physical controls to access, exceeding the requirements of 10 CFR 30.34.

The program therefore contests that Part C is indeed a violation of the license. However, as corrective action, the nuclear density gauges have been relocated to the physical address listed on the license per the request of the inspector, in the manner agreed upon by the inspector and program management at the time of the inspection. Public dose at the new location has been reviewed by the current RSO.

- D. The current RSO is aware of the requirement for annual review of the radiation protection program and has a set schedule in place to do so on a semi-annual basis. A written record will be kept of each review. Electronic templates of the review materials have been created and stored on the program's computer server to aid the continuity of the radiation protection program in the event of future management or RSO transitions. A three-ring binder for the radiation protection program records has been created, shelved conspicuously, and made readily available to all relevant program staff; the binder contains: the program's license, a copy of NU REG – 1556, staff training records, and records of Parts D through G herein.

- E. As corrective action, the program has implemented a process by setting up a log book. Each person in the program identified and trained to use the nuclear gauges is instructed to sign usage in the log book; including name, date and time, gauge serial number, temporary job site destination, and date returned. The RSO will be responsible for monitoring the usage and maintaining old log sheets for the required time period. Extra copies of the log sheets have been made available, on paper and electronically, to aid the continuity of the radiation protection program in the event of future management or RSO transitions.
- F. As well as the review in Part D, the licensee will conduct a physical inventory every six months to account for all sources and devices received and possessed under the license. A written record of this action will also be maintained by the RSO. A form for conducting a six month inventory has been created and stored electronically to aid the continuity of the radiation safety program in the event of future management or RSO transitions.
- G. The licensee has completed a test of the sealed sources for leakage and/or contamination. The leak test was performed concurrently with gauge calibration by a consultant firm on June 21, 2013, which was the earliest available date. As corrective action, this test will be conducted annually and a written record of the action will be maintained by the RSO.