



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

August 12, 2013

EA-13-158

Ms. Cleo Hamilton, Program Manager
Indian Reservation Roads Program
dba Tribal Transportation Program
P.O. Box 617
Poplar, Montana 59255

**SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-37560/2013-001 AND
 NOTICE OF VIOLATION**

Dear Ms. Hamilton:

This is in response to your letter dated July 2, 2013 (Agencywide Documents Access and Management System (ADAMS) No. ML13199A243), which provided your response to the subject inspection report and Notice of Violation dated June 7, 2013 (ML13161A248). In the letter, you provided corrective actions for all the violations and you disputed Violation C. The U.S. Nuclear Regulatory Commission (NRC) concluded that your corrective actions are responsive to our concerns, and the effectiveness of your corrective actions will be reviewed during a future inspection.

Violation C involved the failure to store licensed material at the location listed on NRC Materials License 25-29274-01, dated July 15, 2010. Your response to Violation C stated that past interactions with NRC representatives and previous inspection findings suggested that storage areas need not be listed as locations of use on your license and, therefore, contributed to the violation. In response to your concern that previous NRC interactions contributed to this violation, the NRC performed a detailed review of the documentation from the previous inspection conducted on May 14, 2008. Although there were no violations identified during that inspection, there was no documentation in the file to indicate that the inspector had approved the storage location where the material was found during the April 18, 2013 inspection.

In addition, storing licensed material at a location different from the location listed on an NRC license is not consistent with our license application guidance and normal practices. Item 3 of NUREG 1556, Volume 1, "Consolidated Guidance About Materials Licenses, Program-Specific Guidance About Portable Gauge Licenses," states, in part, that applicants should "provide the description of storage, use, and dispatch locations," and should "specify the street address, city, and state or other descriptive address for each permanent facility used as a location of storage." It also states that "An NRC-approved license amendment is required before receiving, using, and storing licensed material at an address or location not included with the application or already listed on the license."

During the April 18, 2013 inspection, the inspector was informed by your staff that licensed material, in the form of sealed sources for use in portable gauging devices, was being stored in a location near the 800 block of Highway 514, Poplar River Road, Poplar, Montana. This storage site is approximately two blocks from the storage facility authorized by your license. In addition, your staff was not familiar with the unauthorized storage area and had difficulty finding the storage container.

Your letter did not provide any new information that supports withdrawal of Violation C. Therefore, we have concluded that the violation occurred as stated in our Notice of Violation. This determination was coordinated with the NRC's Office of Enforcement.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice", a copy of this letter and your letter dated July 2, 2013, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions about this letter, please contact Mr. Michael Vasquez, Chief, Nuclear Materials Safety Branch A, at 817-200-1130.

Sincerely,

/RA/

Anton Vogel, Director
Division of Nuclear Materials Safety

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

cc: Roy Kemp, Deputy Administrator
Quality Assurance Division
Montana Dept of Public Health
and Human Services
P.O. Box 202953
Helena, MT 59620-2953

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Sincerely,

/RA/

Anton Vogel, Director
Division of Nuclear Materials Safety

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cc: Roy Kemp, Deputy Administrator
Quality Assurance Division
Montana Dept of Public Health
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P.O. Box 202953
Helena, MT 59620-2953

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See next page

S:\DNMS\~Escalated Enforcement \ Disputed Violations\Tribal Transp Program\Tribal Transp Program-DisputedVio-FINAL.docx

ADAMS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	X SUNSI Review Complete		Reviewer Initials: DLS	
	X Publicly Available		X Non-Sensitive	
	Non-publicly Available		Sensitive	
KEYWORD: EA-13-158; Disputed violation; 030-37560/2013-001				
RIV:DNMS/NMSB-A	C:NMSB-A	ACES	OE	D:DNMS
DLStearns	GMVasquez	CMaier	SWoods	AVegel
<i>/RA/</i>	<i>/DLStearns for/</i>	<i>/RABrowder for/</i>	<i>/RA/ by email</i>	<i>/RA/</i>
07/25/2013	07/30/2013	08/09/2013	08/09/2013	08/12/2013

OFFICIAL RECORD COPY

Letter to Ms. Cleo Hamilton from Anton Vegel, dated August 12, 2013.

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NOTICE OF VIOLATION

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