



United States Department of the Interior



BUREAU OF INDIAN AFFAIRS

Billings Area Office
316 North 26th St.
Billings, Montana 59101

IN REPLY REFER TO:

Engineering
Code 260

FEB 22 1994

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Dear Sirs:

This is in response to a letter dated January 31, 1994, and Notice of Violation. Docket No. 030-08557 for non-compliance with License Condition 12.A.1, License No. 25-1509101:

1. One reason the 10 sealed sources were not tested at the 6 month interval prescribed in the license, was largely due to field personnel at the Bureau of Indian Affairs agency offices on the seven reservations in the Billings Area not complying with a policy memorandum and reminders sent at least annually.

The second reason is that the Radiation Safety duties were collateral duties of both the Radiation Safety Officer, and a clerical assistant. Due to work load, the tracking of the leak testing and follow-up action, when testing was not done, has not been fully accomplished.

2. A full review of the leak testing program has been done. All agencies without a current leak test on file for their gauge have been ordered to conduct a test, and forward a copy of the results to the Billings Area Engineering Office.

The Radiation Safety Officer's duties and responsibilities have been transferred to another Engineer in the office, and the clerical duties transferred to a different position. Oversight will be provided by current Radiation Safety Officer until training is completed.

The results are anticipated to be improved tracking by individuals with more time to perform the duties.

3. Disciplinary action is going to be taken for future failure to comply with policy and license requirements.

A checklist will be maintained to ensure leak testing is done at proper intervals.

A specific individual is being made responsible for leak testing at each field office.

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4. All current tests required will be completed by February 28, 1994. The new Radiation Safety Officer will attend training presented by Troxler on March 17, 1994, in Seattle, Washington, and intends to become certified.

The Supervisory Highway Engineer and Radiation Safety Officer intend to meet with Mr. Richard A. Leonardi, Jr., on his next visit to Montana to review Part 20 requirements for sealed source storage and personnel radiation exposure monitoring and record keeping.

It should be noted the Troxler testing devices were all new in April of 1991, and have not been damaged in any way. One model 3440 density gauge has been in continuous storage in the designated site at the Billings Federal Building. This gauge was purchased as a spare that has not been needed to date.

Leak tests performed on these or previously owned sealed source Troxler gauges have always had negative reports.

The license requirements were not fully met; however, we are confident safety has not been compromised.

Should you have any questions, please contact Mr. Sherman E. Oland, Supervisory Highway Engineer, at (406) 657-6675.

Sincerely,


Area Director, Billings Area



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

JAN 31 1994

RECEIVED

FEB 07 1994
BIA ENGINEERING
BILLINGS, MT

Docket: 030-08557
License: 25-15091-01

Department of the Interior
Bureau of Indian Affairs
ATTN: Sherman E. Oland
Radiation Safety Officer
316 North 26th Street
Billings, Montana 59101

SUBJECT: NRC INSPECTION REPORT 030-08557/94-01 (NOTICE OF VIOLATION)

This refers to the routine, unannounced inspection conducted by Mr. Richard A. Leonardi, Jr., of this office on January 12, 1994. The inspection included a review of activities authorized by Byproduct Materials License 25-15091-01. At the conclusion of the inspection, the findings were discussed with members of your staff.

The inspection was an examination of activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, and observation of activities in progress.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

The inspector determined that the licensee possessed 10 portable nuclear moisture/density gauges that have been used throughout Montana and Wyoming during the months of April through November. The inspector was informed by the Radiation Safety Officer (RSO) that seven of the nuclear gauges are routinely stored in road offices at seven Bureau of Indian Affairs Agency reservations located in Montana and Wyoming. The inspector noted that the licensee had transferred 10 nuclear gauges to a gauge supplier for disposal in January 1991, prior to the purchase of the current 10 nuclear gauges possessed by the licensee.

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Also reviewed were the actions you had taken with respect to the violations observed during our previous inspection conducted on June 25-26, 1990. The inspection verified that the corrective actions for these violations had been implemented as stated in your reply dated August 13, 1990, and that these actions were effective.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

Should you have any questions concerning this letter, please contact the inspector identified above at (817) 860-8100.

Sincerely,



Dwight D. Chamberlain, Acting Director
Division of Radiation Safety
and Safeguards

Enclosure:
Appendix - Notice of Violation

cc:
Montana Radiation Control Program Director

APPENDIX

NOTICE OF VIOLATION

Department of the Interior
Bureau of Indian Affairs
Billings, Montana 59101

Docket: 030-08557
License: 25-15091-01

During an NRC inspection conducted on January 12, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

License Condition 12.A.1 specifies that sources specified in Items 7.A. through 7.D. shall be tested for leakage and/or contamination at intervals not to exceed 6 months.

Contrary to the above, between January 1992 and December 1993, the licensee did not test 10 cesium-137 or americium-241 sealed sources for leakage at the required 6-month interval.

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

Pursuant to the provisions of 10 CFR 2.201, Department of the Interior, Bureau of Indian Affairs 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause 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.

Dated at Arlington, Texas
this 31st day of January 1994

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| SURNAME | | DATE |
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| Sec | | |
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| RDK | <i>AS</i> | |
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| CSR | | |
| 200 | <i>SP</i> | <i>7/18</i> |
| 100 | <i>Low</i> | <i>7/17</i> |

DATE: JUL 18 1990

REPLY TO
ATTN OF: Support Services, Branch of Engineering, Code 250

SUBJECT: Nuclear Gauge Requirements

TO: All Superintendents, Billings Area

FROM: Billings Area Director

The Nuclear Regulatory Commission (NRC) conducted a surprise inspection at the Area Engineering Office on June 25, 1990. The inspector found at least four violations of our license requirements. These were related to:

1. Inventory and leak test intervals;
2. Not carrying shipping papers within reach of the operator of a vehicle transporting a nuclear gauge;
3. Not posting NRC Form 3 at the Billings Area Office storage cage;
4. The Landauer Film Badge Reports not having social security numbers and dates of birth for all the badge users.

Please be reminded of the following "Conditions" of the NRC license granted to the Billings Area: No. 12.B. "Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person it shall be tested before use or transfer." No. 15. "The licensee shall conduct a physical inventory every 6 months to account for all sources and /or devices received and possessed under the license. Records of inventories shall be maintained for two years from the date of each inventory".

Because of the difficulty encountered with maintaining current inventory and leak test records at the Billings Area Office, we will change our procedures.

Effective immediately, all nuclear gauges will have a leak (wipe) test performed in January and July of each year. This will also serve as the required 6 month inventory record. A copy of the analysis results must be sent to the Area Engineering Office by January 30 and July 31 of each year. If you have performed a leak test within the last 30 days your next test will be due January 2, 1991, if not, do one now.

The Area Radiation Protection Officer must be notified before any nuclear gauge is shipped out of the area.

We need the following:

1. A copy of your last leak test analysis;
2. A copy of your gauge "Log Sheet" completed with last "In service", "Out Service," and "Inventory Verified" dates;
3. To update our personal radiation exposure records, you must provide the Area Engineering Office with social security numbers and birth dates for film badge users from your agency. A copy of our last dosimeter report is provided for your use.

This information is to be returned to the Billings Area Engineering Office, Attention: Radiation Protection Officer, by July 20, 1990.

In the near future we will be providing you with a plastic laminated shipping document for use when transporting your gauge.

If you have any questions, please contact Mr. Sherman E. Oland, Supervisory Highway Engineer, at (406) 657-6308.

Richard C. Whitesell

Attachment