



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

Engineering
Code 260

APR 01 1999

U.S. Nuclear Regulatory Commission,
Attention: Document Control Desk,
Washington, District of Columbia 20555

The Nuclear Regulatory Commission (NRC) conducted an inspection on February 3, 1999, of the Billings Area nuclear safety program. The NRC then issued a notice of violations by letter on March 3, 1999, for exceeding the 6 month leakage test of nuclear gauges and exceeding the 6 month physical inventory of nuclear gauges.

Enclosed is a reply to the notice of violation and the corrective actions (Inspection Report Number 030-08557/99-01, Byproduct Materials License Number 25-15091-01).

We are committed to preventing any violations.

Sincerely,

Acting Chief, Branch of Engineering

Enclosure

cc: Regional Administrator
U.S. Nuclear Regulatory Commission, Region IV,
611 Ryan Plaza Drive, Suite 400,
Arlington, Texas 76011

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REPLY TO A NOTICE OF VIOLATION

Docket No. 030-08557

License No. 25-15091

Violation: Condition 12.A of License No. 25-15091-01 specifies, in part, that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months. Contrary to the above, specified leak tests for sealed sources contained in 10 nuclear gauges were performed at intervals of 7-11 months, from July 1995 through January 1999, intervals in excess of 6 months.

The cause of the violation was due to the Radiation Safety Officer (RSO) interpreting the 6 month testing requirement to mean twice each year. As a result, there were several times during the year that tests exceeded the 6 month maximum time frame. The RSO also relied on employees in possession of the gauges while the gauges were in service to perform the testing and to submit the tests to testing facilities in a timely manner. The testing facilities would then mail the results to the RSO. Furthermore the RSO was not always in a permanent office setting to monitor the return of the results due to work related travel away from the office.

The most recent testing of the ten gauges was, nine of the gauges in January, 1999, and one in February, 1999. The one gauge tested in February was previously tested in October, 1998. The violation indicates noncompliance through time period ending January, 1999. Starting from January, 1999, compliance will be achieved if the next test for all gauges is completed before the end of June, 1999, which is the end of the 6 month time period. Therefore, at present, no additional tests need to be completed.

The corrective steps to be taken are, first, to implement a four month testing time period between testing of each gauge. This will give a two month duration to complete the test and still remain within the maximum six month requirement. Second, an employee will be assigned responsibility to each gauge while it is in service. The employee will be required to monitor the testing periods for compliance to the six month requirement. The RSO will send the test kits to each designated employee and will require testing within two weeks. The employee will be required to report to the RSO the same date the test was completed by telephone and by written notification mailed to the RSO. Third, if the RSO does not receive notification within one month of sending the employee the test kit then the RSO will contact the designated employee to complete the test immediately. If, within the next two weeks the test still has not been completed the employee will be reprimanded and RSO will assure the test is

completed before the end of the six month time requirement. Further action will be taken to assure testing is completed if a designated employee continues to jeopardize the six month testing requirement.

To assure that the RSO monitors the designated employees assigned to each gauge for compliance, one employee from the office of the RSO will be trained in the duties of the RSO and assist the RSO. This employee will be given the authority to perform the duties of the RSO to assure coverage when the RSO is absent for any reason. The RSO will still remain responsible for the radiation safety program as required by license number 25-15091-01 and will monitor the employee.

Violation: Condition 15 of License No. 25-15091-01 requires that the licensee conduct a physical inventory every six months to account for all sources and/or devices received and possessed under the license. Contrary to the above, as of February 3, 1999, the licensee had not conducted a physical inventory every six months.

The RSO implemented a plan in 1994 to utilize the leakage test results as the physical inventory. It was logical to use the test since the test provided documented proof of the gauges existence. This method does not result in compliance if the leakage tests are not completed within the six month time requirement. This is the cause of violation. The leakage tests were not always completed within the required time period which automatically resulted in the inventory exceeding the six month maximum requirement.

The most recent testing of the ten gauges was, nine of the gauges in January, 1999, and one in February, 1999. The one gauge tested in February was previously tested in October, 1998. The violation indicates noncompliance through time period ending February 3, 1999. Starting from January, 1999, inventory compliance will be achieved if the next test for all gauges is completed before the end of June, 1999, which is the end of the six month time period. Therefore, at present, no additional inventory needs to be completed.

Usage of the leakage test is still a valid method to comply with the six month maximum requirement between inventories and will continue to be used as the method to document the physical inventory. As indicated above under the leakage test violation, tests will be initiated every four months with safeguards to complete the tests before the six month deadline. Compliance for the leakage tests will automatically assure compliance for the physical inventory time requirement.

We are currently in full compliance for both violations as of January, 1999. Corrective actions will be implemented through training, directives and policy statements by May 1, 1999, which is the beginning of the next four month testing/inventory cycle.

Affirmed on this date, March 31, 1999,

A handwritten signature in cursive script, reading "Timi Walker", with a long horizontal flourish extending to the right.

Timothy J. Walker, Radiation Safety Officer