



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SOUTHWEST REGION
P.O. BOX 26567
Albuquerque, New Mexico 87125-6567

IN REPLY REFER TO:
370 - Division of Transportation

DEC 02 2004

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

SUBJECT: REPLY TO A NOTICE OF VIOLATION

Dear Sir:

In reference to the letter dated November 2, 2004, the Southwest Regional Office (SWRO), Division of Transportation, has opted to respond to the two violations in writing as a result of a safety inspection conducted on October 7, 2004. The inspection was conducted under Nuclear Regulatory Commission (NRC) License Number 30-15065-01.

Violation Number 030-08519/04-001

The reason for the two violations, failure to conduct leak tests and physical inventories at six-month intervals, is lack of enforcement from the SWRO, Division of Transportation. The Ramah Navajo, Zuni, Laguna, and Northern Pueblos Agencies were informed in letters to conduct the leak test and physical inventories in six-month intervals. The Agencies were again reminded to conduct the leak tests during annual nuclear gauge inventory inspections. The Agencies did conduct the leak tests and physical inventories but not on a six-month interval cycle. Only the Southern Pueblos Agency complied with conducting the leak tests and physical inventories at six-month intervals.

The corrective steps that will be taken is to officially notify the Ramah Navajo, Zuni, Laguna, and Northern Pueblos Agencies of the two violations received and provide a copy of the letter dated November 2, 2004, from NRC. The Agencies will be provided a spreadsheet showing the leak tests and physical inventories conducted from the date the nuclear gauge was received to the last test date for 2004. The results achieved will be to notify the Agencies of which two months of the calendar year the leak tests and physical inventories will be conducted.

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The corrective step that will be taken to avoid further repeat violations is to schedule a mandatory meeting at the SWRO, Division of Transportation, for all the Agencies that store a nuclear gauge. This meeting will inform the Agencies of the importance of conducting leak tests and physical inventories on a six-month interval in accordance with 10 CFR 30.34 Conditions 12 and 14. The Agencies will be informed that failure to conduct the leak tests and physical inventories on a six-month interval cycle will result in removal/disposal of the nuclear gauge and the individual(s) Thermoluminescent Dosimeters (TLD) Badge(s) from their Agency at the Agency's expense.

The date for full compliance will be achieved within a one-year timeframe. During this one-year timeframe, the Southwest Regional Office, Division of Transportation, will enforce the leak tests and physical inventories on a six-month interval cycle.

If you have any questions, please contact Angela Arviso, Radiation Safety Officer, or Sheldon Kipp, Regional Transportation Engineer, at (505) 563-3430.

Sincerely,



Regional Director

cc: Charles L. Cain, Acting Chief
Nuclear Regulatory Commission, Region IV