



## White Earth Reservation Tribal Council

P.O. Box 418

White Earth, Minnesota 56591

Tel. (218) 983-3285

Fax (218) 983-3641

### CHAIRMAN

Terrance "Terry" Tibbetts

### SECRETARY-TREASURER

Tara Mason

### DISTRICT I

Steven "Punky" Clark

### DISTRICT II

Kathy Goodwin

### DISTRICT III

Eugene "Umsy" Tibbetts

November 8, 2016

Mr. John B. Giessner, Director  
Division of Nuclear Material Safety  
Nuclear Regulatory Commission  
2443 Warrenville Rd., Suite 210  
Lisle, IL 60532-4352

RE: Reply to a Notice of Violation  
Report No. 03038436/20201001(DNMS) EA-16-180

Mr John B. Giessner

The intent of this correspondence is to inform the Nuclear Regulatory Commission, Division of Nuclear Material Safety of the corrective action taken to address the deficient activities as a result of field inspection dated August 9, 2016 by Ryan Craffey, Health Physicist.

### Finding:

- 1) Condition 13.A of NRC Materials License No. 22-32823-01, Test a sealed source for leakage and or contamination at the intervals required by Condition 13.A of the NRC Materials License No. 22-32823-01

### Corrective Action:

White Earth Department of Transportation (WEDOT) performed a sealed source for leakage contamination test on August 9, 2016, the date the field inspection was conducted by Mr. Ryan Craffey. WEDOT will continue to perform sealed source for leakage contamination of Radium-226 at intervals (not to exceed 6 months) specified under Title 10 Code of Federal Regulations (CFR) Section 32.210. The sealed source test was mailed to the manufacture the same day the deficient finding was brought to our attention. This process will continue throughout the device ownership of WEDOT.

In order to schedule proper intervals WEDOT has developed a calendar to monitor due dates for the safety leak test. Leak test results will placed in the file. Electronic and hard copy will be on file for examination.

RECEIVED NOV 17 2016

**Finding:**

- 2) Condition 22.A of NRC Materials License 22-32823-0, WEDOT did not have access to or use a Radiation Survey Meter.

**Corrective Action:**

WEDOT has taken has contacted Northern Technologies Inc.(NTI). NTI has agreed to allow WEDOT have access to the "radiation survey meter". Northern Technologies Inc. 3522 4th Ave S. Fargo, ND 58103 Attn: Nick Berglund Telephone No. 701.232.1822.

Buy having access to the radiation survey meter this will fulfill requirements set forth "Radiation Protection Program-Instruments" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

**Finding:**

- 3) Title 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

**Corrective Action:**

The Licensee (WEDOT) has not been able to locate/secure a copy of the "Radiation Protection Program". A Radiation Protection Program will have to be developed as soon as possible. Until such policy is put in place the WEDOT will use the checklist for the NRC licensing guidance (provided by NRC).

**Finding:**

- 4) WEDOT did not provide recurrent training at least once every three years for its hazmat employee that satisfied the requirements on Subpart H to CFR 49 Part 172, and the licensee otherwise meets the definition of a hazmat employer in 49 CFR Part 171.8. Specially, the licensee's sole hazmat employee (the authorized gauge user) has not been provided recurrent hazmat training since initially receiving this training on January 26, 2011, an interval of greater than three years.

**Corrective Action:**

WEDOT will schedule all the necessary Hazmat Training available by the MnDOT. The device will not be used until all required training as mandated by 49 CFR 172 be completed. WEDOT will make every effort to schedule the employee for training by December 31, 2016.

**Finding:**

- 5) The WEDOT's authorization gauge user transported a Seaman C-300 Portable moisture Density gauge, containing Class 7 (radioactive) hazardous material, on public highways without a shipping paper.

**Corrective Action:**

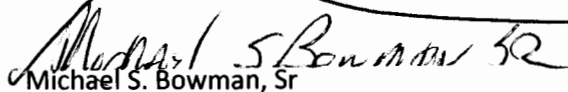
WEDOT with the assistance of Mr. Ryan Craffey (during a field inspection) had assisted WEDOT in developing a shipping paper.

**Additional Concerns:**

- a) There is/was an apparent concern noted by Mr. Craffey which pointed out the lack of proper security for the portable moisture density gauge storage. Mr. Craffey indicated the proper alternatives to secure the device. WEDOT took immediate corrective action. WEDOT installed a second lock on the cabinet door where the device was/is being stored. The keys for the cabinet are also in a secured area (placed in the WEDOT's safe) and not available to staff members or any general population individuals.
- b) There is a measure WEDOT has chosen to strengthen the oversight of WEDOT Radiation Protect Program by assigning the responsibilities of RSO to Burnham Tibbetts III. Mr. Tibbetts has his "Certification for Radiological, RSO and Operational Training and is willing to accept the RSO. The previous RSO did not want to maintain those responsibilities.

If you have any further questions or concerns please feel free to contact me at my office. 218.983.3263 or [michael.bowmansr@whiteearth-nsn.gov](mailto:michael.bowmansr@whiteearth-nsn.gov).

Respectfully,



Michael S. Bowman, Sr

Assistant Director

White Earth Dept. of Public Works

Cc Eugene "Jeff" Vivier, Director of Public Works

Ryan Craffey, Health Physicist, NRC

file