

NRC FORM 591M PART 1  
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

## SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

## 1. LICENSEE/LOCATION INSPECTED:

Tribal Transportation Program (TTP)  
Fort Peck Tribes, Fort Peck Reservation  
706 North Court Ave, Poplar, Montana

REPORT NO.: 2021-001

## 2. NRC/REGIONAL OFFICE

U.S. Nuclear Regulatory Commission  
Region IV, 1600 East Lamar Blvd  
Arlington, Texas 76011-4511

## 3. DOCKET NUMBER

030-37560

## 4. LICENSE NUMBER

25-29274-01

## 5. DATE OF INSPECTION

September 15, 2021

## LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- ☐ 1. Based on the inspection findings, no violations were identified.
- ☐ 2. Previous violations closed.
- ☐ 3. The violations, specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy to exercise discretion, were satisfied.
- ☐ Non-Cited Violation was/were discussed involving the following requirement(s) and Corrective Action(s):

- ☒ 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

- A. 10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on September 15, 2021, only one independent physical control that formed a tangible barrier to secure portable gauges from unauthorized removal, when the portable gauges were not under the control and constant surveillance of the licensee, was in place.

The licensee corrected this immediately by securing a second barrier on the storage area that had inadvertently been left unlocked. To prevent recurrence, the licensee has installed a second barrier on the gauge storage cabinet that is kept within the normally locked storage area.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.10)

- B. 10 CFR 71.5 requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, shall comply with hazardous material employee training requirements in 49 CFR 172 Subpart H.

Continued on 591M Part 2

## Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title

Printed Name

Signature

Date

LICENSEE'S  
REPRESENTATIVE

Paul Azure

Paul Azure

9-15-21

NRC INSPECTOR

Jason Dykert

Jason C. Dykert

Digitally signed by Jason C. Dykert  
Date: 2021.09.23 12:37:22 -07'00'

BRANCH CHIEF

Lizette Roldan-Otero

Lizette Roldan-Otero

Digitally signed by Lizette Roldan-Otero  
Date: 2022.01.06 14:38:34 -06'00'

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## CONTINUED FROM PART 1

49 CFR 172.704 requires, in part, that a hazmat employee must receive the training, (to include general awareness/familiarization, function-specific, safety, and security training) at least once every three years. Each hazmat employer must create and retain a record that the hazmat employee has been trained and tested.

Contrary to the above, from 2018 to September 2021, the licensee failed to ensure hazmat employees who transported hazmat materials on public highways received the training at least once every three years.

The licensee corrected this by providing the training to the 2 hazmat employees that transported nuclear gauges on public highways in September 2021. To prevent recurrence, the licensee has hazmat training materials and a test that will be provided to employees transporting nuclear gauges at least once every three years.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.4)

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

Contrary to the above, from 2015 to 2020, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, no annual audits were performed and documented.

The licensee corrected this by performing an annual audit. To prevent recurrence, the licensee has put reminders in a calendar that will prompt performing the required audits for possessing radioactive materials.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d)

**From:** [Dykert, Jason](#)  
**To:** [Paul Azure](#)  
**Subject:** NRC Inspection Report  
**Date:** Thursday, September 23, 2021 12:43:00 PM  
**Attachments:** [TTP 591M 2021-001.pdf](#)

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Hi Paul,

I have attached the inspection report – please review the corrective actions that I have highlighted, make sure you agree with them and can do them, and then sign the 1<sup>st</sup> page of the report, scan it and send it back to me.

Give me a call with any questions or concerns.

Jason