



Montana Department of Transportation

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Jim Lynch, Director
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December 16, 2009

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

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Subject: “Reply to NRC INSPECTION REPORT 030-05179/09-01 AND NOTICE OF VIOLATION”

This is Montana Department of Transportation’s (MTD’s) response to the above notice of violation.

Violation: A) a failure to follow licensee procedures for wearing personnel monitoring devices when using radioactive materials.

1. **Reason for violation:** the gauge operator had been assigned a Thermoluminescent Dosimeter (TLD) and had taken his TLD home with him the night before. Upon returning to work on the day of the NRC inspection he realized he had forgotten to take his TLD to work with him. He then operated a nuclear moisture/density gauge without his radiation monitoring device.

2. **Corrective steps and results:** the gauge operator and his supervisor were immediately informed of the violation both by telephone and email. All other gauge operator supervisors along with our statewide lab supervisors were informed of the violation. These people were instructed of our policy that all gauge operators must wear TLDs when operating nuclear gauges. They are redoubling their effort to regularly check operators.

3. **Corrective steps to avoid further violations:** all gauge operators, their supervisors and statewide lab supervisors will be reminded in the spring of 2010 as construction season begins and at future HAZMAT refresher training of this violation and the importance of always wearing their TLDs when operating gauges. The lab supervisors have met and been instructed on the need to monitor field tester closely.

4. **Date full compliance will be achieved:** full compliance was achieved October 23, 2009 the day after the NRC inspection. Monitoring of gauge operators will be a continuing duty of operator supervisors, statewide lab personnel and the MDT RSO.

Violation: B 1&2) a failure to have the appropriate UN number and Transportation Index on the Department of Transportation shipping papers.

1. **Reason for violation:** we thought all MDT's shipping papers had been updated to the new UN number and the Transportation Index (TI) had been correctly affixed. Somehow the gauge operator ended up using a shipping paper without the correct information.

2. **Corrective steps taken:** the gauge operator's supervisor and the lab personnel from this Area were notified of the violation telephonically and by email. Attached to the email was the word document with the correct UN and TI numbers (UN3332 and 0.6). The incorrect papers were replaced with the correct ones.

3. **Corrective steps to avoid further violations:** all gauge operator supervisors and statewide lab supervisors were informed by email of the violation. They were sent attachments of the correct shipping papers and were instructed to check their operators shipping papers to make sure they were updated.

4. **Date when full compliance will be achieved:** full compliance to these violations was completed on October 23, 2009. As soon as we found out about the violations we emailed the corrected shipping paper to the gauge operators supervisor, the supervisor printed out the corrected paper and instructed the gauge operator to replace the outdated paper.

Rex G. Hoy
Radiation Safety Officer
Montana Department of Transportation

copies: NRC Regional Administrator, Region IV