

Date:

January 7, 2009

To:

U. S. Nuclear Regulatory Commission

ATTN: Document Control Desk Washington, DC 20555-0001

Regional Administrator, Region IV U.S. Nuclear Regulatory Commission 612 East Lamar Blvd, Suite 400 Arlington, Texas 76011-4125

From:

Lowell F. Klocke, RSO

Re:

Reply to a Notice of Violation

NRC Inspection Report 030-34794/09-01

Docket: 030-34794 License: 25-27594-01

On October 19, 2009, Mr. Jason Razo, inspector with United States Nuclear Regulatory Commission (NRC), recorded two Severity Level IV violations as follows:

- A. Licensee failed to follow licensee procedures for signing in and signing out the portable gauges.
- B. Licensee failed to have the appropriate UN number on the Department of Transportation shipping papers.

Reason for violation

- A. After discussing violation with gauge users we determined causes for violation was failure to follow procedures primarily due to being in a hurry and not paying attention to details of checking out.
- B. During the UN number shipping papers updating process of the shipping packet that is the transporting vehicle and the duplicate gauge case packet, the RSO inadvertently did not update both shipping papers; therefore, some shipping packets had outdated UN numbers listed.

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Corrective steps that have been taken and results achieved

- A. RSO met with Mr. Razo on October 22, 2009, to discuss violations. After meeting with Mr. Razo, the RSO met with all of the Missoula, Montana, gauge users and verbally discussed the violation and went through procedures. On November 11, 2009, another verbal meeting was held to discuss the violation. On January 6, 2010, a formal meeting with handouts was performed with the Missoula and the Billings, Montana, (via video conferencing) gauge users. Attached are details of that meeting. Upon periodic inspections performed by the location RSO, no violations were noted.
- B. After meeting with Mr. Razo, all gauge shipping papers were reviewed and updated to reflect the correct UN3332 in both the seat and gauge shipping packets. Copies of updated packets are attached to this letter. Home and cell phone numbers have been blackened out on the copy enclosed with this letter for privacy.

Corrective steps that will be taken to avoid further violations

- A. In addition to the corrective action take above, consistent ongoing training designed to address this violation along with periodic field audits.
- B. When updating forms in the future, a peer review will be performed to assist in reducing human error.

I hope this letter provides sufficient information to evaluate The University of Montana's response to the Notice of Violation. As an institution, we take compliance very seriously and intend to operate our program in a fully safe and compliant manner.

Sincerely,

Lowell F. Klocke Radiation Safety Officer

Enclosures:

Safety meeting (1)

Shipper Declarations (8)

Bill of Lading (8)

Form SK Geotechnical Corporation Nuclear Gauge Safety Meeting

Billings Gauge Users:	Missoula Gauge Users:	RSO Presenter:
Mike King	Deborah Schiavone	Lowell F. Klocke
Brian Overfelt	Dave Glueckert	Date of Meeting:
Greg Staffileno	Jaramie Falcon	Informal Meetings with Missoula
Chad Binstock	Ben Sweeney	Staff On 10.22.09 & 11.11.09
Clay Larsen		Formal meeting 1.6.10
Description of Topic Discussed:	NRC Violation (Report 030-347 Filling out sign in/sign out log.	794/09-01 copy provided to employees) A.

Specifi	c Items Discussed:
Appendix H:	Provided to each employee.
Causes of Violation:	Failure to follow procedures.
	In a Hurry.
,	Lack of attention to detail.
SK Geotechnical OEM:	Provided to each employee in meeting.

	Action/Corrective Items:
Emp	loyee warnings issued.
- -	down. Manage time better.
	tion RSO perform additional Field Audits

(over)

James F. Kenne

(RSO signature)

January 7, 2010 (date)

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The following documents have some phone numbers blackened out for privacy. Original forms

Shipper:

SK Geotechnical Corporation

available upon request.

4041 Whippoorwill Drive, Building "B"

Missoula, Montana 59808-6123

RQ, RADIOACTIVE MATERIAL, SPECIAL FORM, NOS, UN3332, CLASS 7, TYPE "A" PACKAGE, CONTAINING:

Cs-137, 0.37 GBq (10 mCi) Am-241:Be 1.85 GBq (50 mCi)

RADIOACTIVE YELLOW II LABEL, TI = 0.4

****EMERGENCY CONTACT***

Corporate Radiation Safety Officer

Lowell F. Klocke

(866) 888-9910 (Work)

(406) (Home) (206) (Cellular)

Location Radiation Safety Officer

Mike King

(406) 652-3930 (Work)

(406) (Home)

(406) (Cellular, day use only)

This is to certify that the above-named materials are properly classified, described packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Gauge Model CPN MC-3

S/N M37128041

SHIPPER

Shipper)

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Shipper:

SK Geotechnical Corporation

2611 Gable Road

Billings, Montana 59108-0190

RQ, RADIOACTIVE MATERIAL, SPECIAL FORM, NOS, UN3332, CLASS 7, TYPE "A" PACKAGE, CONTAINING:

Cs-137, 0.37 GBq (10 mCi) Am-241:Be 1.85 GBq (50 mCi)

RADIOACTIVE YELLOW II LABEL, TI = 0.4

****EMERGENCY CONTACT****

Corporate Radiation Safety Officer Lowell F. Klocke

(866) 888-9910 (Work)

(406) (Home)

(406) (Cellular)

Location Radiation Safety Officer

Mike King

(406) 652-3930 (Work)

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(406) (Cellular, day use only)

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Gauge Model CPN MC-3

S/N M38058246

HIPPER

(Shipper)

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SK Geotechnical Corporation

2611 Gable Road

Billings, Montana 59108-0190

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(406) (Cellular, day use only)

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Gauge Model CPN MC-3

S/N M330707073

IPPER ____

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c:\pub-data\word\nuclear\guages\Bill of Lading M330707073.cpn

SHIPPER'S DECLARATION FOR DANGEROUS GOODS (Provide at least three copies to the airline.) Air Waybill No. SK Geotechnical 2611 Gable Road Page 1 of 1 Pages Billings, Montana 59108-0190 Shipper's Reference Number MC-3 M330707073 Consignee For private transport to temporary job sites only. Two completed and signed copies of this Declaration must WARNING be handed to the operator TRANSPORT DETAILS Failure to comply with all respects with the applicable This shipment is within the Airport of Departure Dangerous Goods Regulations may be in breach of limitations prescribed for: the applicable law, subject to legal penalties. (delete non applicable) CARGO AIRCRAFT ONLY Shipment type: (delete non-applicable) Airport of Destination: NOWNE RADIOACTIVE NATURE AND QUANTITY OF DANGEROUS GOODS **Dangerous Goods Identification** Quantity and Packing UN Class Authorization Pack. or Division (Subsidiary Risk) type of packaging Inst. Proper Shipping Name ing Group İD 7 Special Form UN Radioactive Material, Cesium 137 Yellow Type A Package, Cert. USA 3332 370 MBQ (10 MCI) Special Form USA/0634/S Americium 241 BE TI=0.4 USA/0627/S 1.85 GBQ (50 MCI) RQ Package Dimensions: 30 x 15 x 17 (in) All Packaged In 1 Type A Package . Additional Handling Information Emergency response sheet attached to Dangerous Goods Declaration. Emergency Telephone Number: 866-888-0910 or (406) 239-3177 (24-hour) Name/Title of Signatory I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are Lowell F. Klocke, Corporate RSO classified, packaged, marked and labelled/placarded, and are in all Place and Date respects in proper condition for transport according to applicable 12/21/09 International and National Governmental Regulations. I declare that Signature IA typed signature may be used if the origin and destination all of the applicable air transport requirements have been met. (see warning above) are in the United States or its territories 1 **Emergency Telephone Number** use of leave 406-239-3177 FOR RADIOACTIVE MATERIAL SHIPMENT ACCEPTABLE FOR PASSENGER AIRCRAFT, THE SHIPMENT CONTAINS RADIOACTIVE MATERIAL INTENDED FOR USE IN OR INCIDENT TO RESEARCH, MEDICAL DIAGNOSIS, OR TREATMENT. ADR EUROPEAN TRANSPORT STATEMENT. CARRIAGE IN ACCORDANCE WITH 1.1.4.2.1



Shipper:

SK Geotechnical Corporation

2611 Gable Road

Billings, Montana 59108-0190

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RADIOACTIVE YELLOW II LABEL, TI = 0.4

****EMERGENCY CONTACT****

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Lowell F. Klocke

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(406) (Home)

(406) (Cellular)

Location Radiation Safety Officer

Miké King

(406) (Work) (406) (Home)

(406) (Cellular, day use only)

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Gauge Model CPN MC-2

S/N M29092959

SHIPPER

(Shipper)

c:\pub-data\word\nuclear\guages\Bill of Lading M29092959.cpn

SHIPPER'S DECLARATION FOR DANGEROUS GOODS (Provide at least three copies to the airline.) Shipper Air Waybill No. SK Geotechnical 2611 Gable Road Page 1 of 1 Pages Billings, Montana 59108-0190 Shipper's Reference Number MC-2 M29092959 Consignee For private transport to temporary job sites only Two completed and signed copies of this Declaration must WARNING be handed to the operator TRANSPORT DETAILS Failure to comply with all respects with the applicable This shipment is within the Dangerous Goods Regulations may be in breach of Airport of Departure limitations prescribed for: the applicable law, subject to legal penalties. (delete non applicable) CARGO AIRCRAFT ONLY Shipment type: (delete non-applicable) Airport of Destination: NOMBADIOACTIVE RADIOACTIVE **NATURE AND QUANTITY OF DANGEROUS GOODS Dangerous Goods Identification** UN Quantity and Packing Authorization Class Packtype of packaging Inst. or Division (Subsidiary Risk) **Proper Shipping Name** ing Group ΙĐ No. Radioactive Material, Yellow Special Form UN Cesium 137 Type A Package, Cert. USA 3332 370 MBQ (10 MCI) USA/0634/S Special Form Americium 241 BE. 1.85 GBQ (50 MCI) TI=0.4 USA/0627/S RO Package Dimensions: 30 x 15 x 16 inches All Packaged In 1 Type A Package **Additional Handling Information** Emergency response sheet attached to Dangerous Goods Declaration. Emergency Telephone Number: 866-888-0910 or (406) 239-3177 (24-hour) Name/Title of Signatory I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are Lowell F. Klocke, Corporate RSO classified, packaged, marked and labelled/placarded, and are in all Place and Date respects in proper condition for transport according to applicable Missoula 12/22/09 International and National Governmental Regulations. I declare that Signature [A typed signature may be used if the origin and destination (see warning above) are in the United States or its territories.] all of the applicable air transport requirements have been met. **Emergency Telephone Number** Joues P. Kessee 406-239-3177 FOR RADIOACTIVE MATERIAL SHIPMENT ACCEPTABLE FOR PASSENGER AIRCRAFT, THE SHIPMENT CONTAINS RADIOACTIVE MATERIAL INTENDED FOR USE IN OR INCIDENT TO RESEARCH, MEDICAL DIAGNOSIS, OR TREATMENT, ADR EUROPEAN TRANSPORT STATEMENT, CARRIAGE IN ACCORDANCE WITH 1, 1, 4, 2, 1



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SK Geotechnical Corporation

4041 Whippoorwill Drive, Building "B"

Missoula, Montana 59808-6123

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RADIOACTIVE YELLOW II LABEL, TI = 0.4

****EMERGENCY CONTACT****

Corporate Radiation Safety Officer

Lowell F. Klocke

(866) 888-9910 (Work)

(406) (Home) (406) (Cellular)

Location Radiation Safety Officer

Mike King

(406) 652-3930 (Work)

(406) (Home)

(Cellular, day use only) (406)

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Gauge Model CPN MC-2

S/N M24095684

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Shipper:

SK Geotechnical Corporation

4041 Whippoorwill Drive, Building "B" Missoula, Montana 59808-6123

RQ, RADIOACTIVE MATERIAL, SPECIAL FORM, NOS, UN3332, CLASS 7, TYPE "A" PACKAGE, CONTAINING:

Cs-137, 0.3 GBq (8 mCi) Am-241:Be 1.48 GBq (40 mCi)

RADIOACTIVE YELLOW II LABEL, TI = 0.5

****EMERGENCY CONTACT****

Corporate Radiation Safety Officer

Lowell F. Klocke

(866) 888-9910 (Work)

(406) (Home)

(406) (Cellular)

Location Radiation Safety Officer

Mike King

(406) 652-3930 (Work)

(406) (Home)

(406) (Cellular, day use only)

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Gauge Model Troxler 3430

S/N 27440

SHIPPER

(Shipper)

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SHIPPER'S DECLARATION FOR DANGEROUS GOODS (Provide at least three copies to the airline.) Shipper Air Waybill No. SK Geotechnical (Missoula) P.O. Box 16123 Page 1 of 1 Pages Missoula, MT 59808 Shipper's Reference Number Troxler SN: 27440 Consignee For private transport to temporary job sites only. Two completed and signed copies of this Declaration must WARNING be handed to the operator TRANSPORT DETAILS Failure to comply with all respects with the applicable This shipment is within the Airport of Departure Dangerous Goods Regulations may be in breach of limitations prescribed for: the applicable law, subject to legal penalties. (delete non applicable) CARGO AIRCRAFT ONLY Shipment type: (delete non-applicable) Airport of Destination: NON THE RADIOACTIVE NATURE AND QUANTITY OF DANGEROUS GOODS **Dangerous Goods Identification** Quantity and Packing Authorization or Division (Subsidiary Risk) type of packaging Inst. Proper Shipping Name Ing Group No. UN Radioactive Material, 7 Yellow Special Form Cesium 137 3332 Type A Package, Cert. USA 0:3 GBQ (8 MCI) USA/0634/S Special Form Americium 241 BE TI=0.5 1.48 GBQ (40 MCI) USA/0627/S RQ Package Dimensions: 35 X 42 X 75 cm All Packaged In One Type A Package Additional Handling Information Emergency response sheet attached to Dangerous Goods Declaration. Emergency Telephone Number: 866-888-0910 or (406) 239-3177 (24-hour) Name/Title of Signatory I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are Lowell F. Klocke, Corporate RSO classified, packaged, marked and labelled/placarded, and are in all Place and Date respects in proper condition for transport according to applicable Missoula 1/06/10 International and National Governmental Regulations. I declare that Signature (A typed signature may be used if the origin and destination all of the applicable air transport requirements have been met. ng above) are in the United States or its lemtones ? **Emergency Telephone Number** all of klose 406-239-3177 FOR RADIOACTIVE MATERIAL SHIPMENT ACCEPTABLE FOR PASSENGER AIRCRAFT, THE SHIPMENT CONTAINS RADIOACTIVE MATERIAL INTENDED FOR USE IN OR INCIDENT TO RESEARCH, MEDICAL DIAGNOSIS, OR TREATMENT, ADRIEUROPEAN TRANSPORT STATEMENT; CARRIAGE IN ACCORDANCE WITH 1.1.4.2.1



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SK Geotechnical Corporation

4041 Whippoorwill Drive, Bldg. "B" Missoula, Montana 59808-6123

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Gauge Model CPN MC-3

S/N M39058846

(7)

(Shipper)

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		7		Cesium 137 370 MBQ (10 MCI) Americium 241 BE 1.85 GBQ (50 MCI) Package Dimensions: 30 x 15 x 16 inches All Packaged In 1 Type A Package		Yellow II TI=0.4	Special Form Cert. USA USA/0634/S USA/0627/S		
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Shipper:

SK Geotechnical Corporation

2611 Gable Road

Billings, Montana 59108-0190

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(406) (Home)

(Cellular, day use only)

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Gauge Model CPN MC-3

S/N M37057657

Shippe	ER'S DECLARATION F				(, , , , , , , , , , , , , , , , , , ,	it least three copie	es to the annie.)·		
SK G	eotechnical Corporat	ion			Air Waybill No.					
	Gable Road ps, Montana 59108-	0190			Page 1 of 1 Pages					
					Shipper's Refere	nce Number MC-3 M37057657				
Consig	inee ivate transport to ten		ilaa aabu							
roi pi	ivate transport to ten	ipurary job s	nes only.							
		<u> </u>		<u>. </u>			<u> </u>			
	ompleted and signed co ded to the operator	pies of this Dec	claration mu	st	WARNING					
TRÂNS	SPORT DETAILS				Failure to c	omply with all	respects witl	h the applicable		
limitation	pment is within the ns prescribed for: non applicable)	Airport of Dep	barture			Goods Regul ble law, subjec		pe in breach of alties.		
PASS AMO AIRCI	ENGER CARGO CARGO AIRCRAFT ONLY				<u> </u>					
Airport	of Destination:	·	-		Shipment type:	(delete non-applicable)	TIVE			
ΝΔΊ	TURE AND QUANTI	TY OF DANG	EROUS G	OODS						
	Dangerous Goods						T			
UN			Class or Division	Pack-	Quantity and Packing Authoriz			Authorization		
ID No.	Proper Shippli	ng Name	(Subsidiary Risk)	ing Group		pi packaging	IIISt.			
UN	Radioactive Mate	rial,	7		Cesium 1		Yellow	Special Form		
3332	Type A Package, Special Form							Cert. USA USA/0634/S		
	opecial i bitti					(50 MCI)	TI=0.4	USA/0627/S		
	RQ				Dookogo	Dimensions				
	į		1		30 x 15 x	Dimensions: 17 (in)				
			 		All Packa	ged In 1				
					Type A P	ackage				
	<u> </u>									
- :			<u></u>	<u></u>		_ 	J	<u></u>		
	onal Handling Information ency response sheet at		gerous Goo	ds Decl	aration.					
Emerg	ency Telephone Number	er: 866-888-09	10 or (406)	239-31	77 (24-hour)		·			
	reby declare that the					Name/Title of Sig	•			
	urately described abo ssified, packaged, mar					Lowell F. Klocks Place and Date	e, Corporate RSC)		
res	pects in proper conditernational	ion for transp	ort accordi	ng to a	pplicable	Missoula	12/21	/09		
	of the applicable air tr					Signature (A typed (see warning above)		d if the origin and destination		
	406-239-317				Telephone Number		7. Kenne			
OR RAD	NOACTIVE MATERIAL SHIPM T TO RESEARCH, MEDICAL	ENT ACCEPTABL DIAGNOSIS, OR	E FOR PASSE TREATMENT, A	NGER AIF	CRAFT, THE SHIPMI DPEAN TRANSPORT	ENT CONTAINS RADIO STATEMENT: CARRIAG	ACTIVE MATERIAL IN E IN ACCORDANCE	ITÉNDÉD FOR USE IN OR WITH 1:1.4.2-1		