



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

September 6, 2019

Mr. John Sanders
Radiation Safety Officer
Hillsdale County Road Commission
1919 Hudson Road
Hillsdale, MI 49242

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03029928/2019001(DNMS) AND
NOTICE OF VIOLATION – HILLSDALE COUNTY ROAD COMMISSION

Dear Mr. Sanders:

On April 8, 2019, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your location in Hillsdale, Michigan, with continued in-office review through August 19, 2019. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of a license amendment request submitted to the NRC in response to an inspection finding. Mr. Edward Harvey of my staff conducted a final exit meeting by telephone with you on August 19, 2019, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to have the individual named as Radiation Safety Officer (RSO) on the license perform the duties and responsibilities of the RSO, as required by License Condition 12 of Amendment No. 8 to NRC License 21-24942-01. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified violation.

The inspector determined that the root cause of the violation was management oversight as the licensee experienced a change of personnel. As corrective actions to restore compliance, the licensee submitted an amendment request on May 9, 2019, to have a new individual named as RSO. This request was approved by the NRC and full compliance was achieved on August 1, 2019. As corrective action to prevent recurrence of the violation, the licensee stated that they will develop a policy to ensure that an amendment request is submitted to the NRC for any future changes in RSO.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Harvey if you have any questions regarding this inspection. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-29928
License No. 21-24942-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to John Sanders from Aaron T. McCraw, dated September 6, 2019.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03029928/2019001(DNMS) AND
NOTICE OF VIOLATION – HILLSDALE COUNTY ROAD COMMISSION

DISTRIBUTION w/encl:

Darrell Roberts
John Giessner
David Pelton
Christine Lipa
Jamnes Cameron
Kenneth Lambert
Paul Pelke
MIB Inspectors

ADAMS Accession Number: ML19252A275

OFFICE	RIII-DNMS	C	RIII-DNMS	C				
NAME	EHarvey:brt (via email)		AMcCraw					
DATE	09/04/19		09/06/19					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Hillsdale County Road Commission
Hillsdale, Michigan

License No. 21-24942-01
Docket No. 030-29928

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on April 8, 2019, with continued in-office review through August 19, 2019, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 12 of Amendment No. 8 to NRC License 21-24942-01 names a specific individual as Radiation Safety Officer (RSO).

Contrary to the above, from November 2014 until July 31, 2019, the licensee failed to have the individual named on the license as RSO perform the duties and functions of RSO, following that individual's departure from the licensee's employment.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to Title 10 of the *Code of Federal Regulations* (CFR) 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IR 03029928/2019001(DNMS)" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 6th day of September, 2019.

Enclosure