



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

EA-23-137

February 21, 2024

Robert Griffis
Manager
Hillsdale County Road Commission
1919 Hudson Road
Hillsdale, MI 49242

SUBJECT: NOTICE OF VIOLATION - NRC ROUTINE INSPECTION REPORT
NO. 03029928/2023001 (DRSS); HILLSDALE COUNTY ROAD COMMISSION

Dear Robert Griffis:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on September 13, 2023, at your facility in Hillsdale, Michigan. 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. During the inspection, four apparent violations of NRC requirements were identified. The circumstances surrounding the apparent violations, the significance of the issues, and the need for lasting and effective corrective actions were discussed with you during an exit meeting on November 20, 2023. Inspection Report No. 03029928/2023001(DRSS); was issued on December 11, 2023, and can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at accession number ML23332A457. ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference, by attending an alternative dispute resolution session, or by providing a written response before we made our final enforcement decision. In a letter dated January 8, 2024 (ML23353A203), you provided a response to the apparent violations.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report dated January 8, 2024, the NRC has determined that four violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The first violation involved the failure to have a radiation safety officer (RSO) as required by License Condition 12 of Amendment No. 9 to NRC License No. 21-24942-01. The remaining violations have been linked to the lack of a RSO and included the failure to: (1) perform annual reviews of the radiation protection program as required by Title 10 of the *Code of Federal Regulations* 20.1101(c); (2) conduct a physical inventory every 6 months as required by License Condition 15 of Amendment No. 9 to NRC License No. 21-24942-01; and (3) the failure to have access to a radiation survey meter as required by License Condition 19.A of Amendment No. 9 to NRC License No. 21-24942-01.

The failure to have an RSO is of regulatory concern because there was a lack of sufficient management oversight of the radiation safety program, which was determined to be a root cause of violations 1-3 stated above. Therefore, these violations have been categorized in accordance with the NRC Enforcement Policy as a Severity Level III problem. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$9000 is considered for a Severity Level III problem.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy and determined that *Corrective Action* credit is warranted based on the prompt and comprehensive corrective actions you implemented. Corrective actions included the following: (1) you and another person completed the Troxler online users training course and hands on training provided by Jackson County Department of Transportation; (2) added an agenda item to the Board of Commissioners meetings to semi-annually ensure there is a RSO; (3) developed a new checklist and sign off sheet for performing annual reviews of the program; (4) developed email/calendar reminders for the RSO, back-up RSO, and human resource manager to ensure audits and physical inventories are performed within the required timeframes; (5) completed a physical inventory during the NRC inspection; (6) arranged with an adjoining county road commission to utilize their survey meter should the need arise; and (7) added the survey meter agreement and physical inventory requirement to the program policy book.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III problem constitutes escalated enforcement action that may subject you to increased inspection effort. The NRC also includes significant enforcement actions on its web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03029928/2023001(DRSS) and your letter dated January 8, 2024. Therefore, you are not required to respond to this letter unless the description therein 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 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's ADAMS, accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your

response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

If you have any questions concerning this matter, please contact Diana Betancourt-Roldan of my staff at 630-810-4373.

Sincerely,



Signed by Giessner, Jack
on 02/21/24

John B. Giessner
Regional Administrator

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

Enclosure: Notice of Violation

cc w/encl: State of Michigan

Letter to R. Griffis from J. Giessner dated February 21, 2024.

SUBJECT: NOTICE OF VIOLATION - NRC ROUTINE INSPECTION REPORT
NO. 03029928/2023001 (DRSS); HILLSDALE COUNTY ROAD COMMISSION

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NOTICE OF VIOLATION

Hillsdale County Road Commission
Hillsdale, Michigan

Docket No. 030-29928
License No. 21-24942-01
EA-23-137

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on September 13, 2023, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

1. License Condition 12 of NRC License No. 21-24942-01, Amendment No. 9, dated August 1, 2019, identifies the approved Radiation Safety Officer (RSO) for the license.

Contrary to the above, since April 22, 2022, Hillsdale County Road Commission did not have an approved RSO. Specifically, the individual identified in Condition 12 left the licensee's employment on April 22, 2022, and the licensee did not request a new RSO be approved by the NRC until March 30, 2023.

2. Title 10 of the *Code of Federal Regulations* (CFR) 20.1101(c) requires the licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between April 8, 2019, and September 13, 2023, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

3. License Condition 15 of License Number 21-24942-01, Amendment Number 9, dated August 1, 2019, requires, in part, that the licensee conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license.

Contrary to the above between July of 2022 and September 13, 2023, the license had not conducted a physical inventory to account for all sealed sources and/or devices received and possessed under the license and an alternate interval has not been approved by the U.S. Nuclear Regulatory Commission.

4. License Condition 19.A of License Number 21-24942-01, Amendment Number 9, dated August 1, 2019, requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in application dated August 2, 2012.

Application dated August 2, 2012, Item No. 10, "Radiation Safety Program – Survey Instruments," requires, in part, that the licensee either possess and use, or have access to and use, a radiation survey meter.

Contrary to the above, on September 13, 2023, the licensee did not possess or have access to a radiation survey meter.

This is a Severity Level III problem (Enforcement Policy Sections 6.3 and 6.7).

Enclosure

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03029928/2023001(DRSS) and the licensee's January 8, 2024, letter. However, you are required to submit a written statement or explanation pursuant to 10 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, (EA-23-137)," 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, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352 within 30 days of the date of the letter transmitting this Notice of Violation (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, United States 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 Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the Public 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 21st day of February 2024.