

INSPECTION RECORD

Region III

Inspection Report No. 2005-001

License No. 21-18710-01

Licensee (Name and Address):

Docket No. 030-14074

Lapeer County Road Commission

P.O. Box 678

Lapeer, MI 48446

Location (Authorized Site) Being Inspected: 820 Davis Lake Road, Lapeer, Michigan (main office), and the General Squares Road construction project, Dryden Township, Michigan (field inspection)

Licensee Contact: William J. Meinz, Acting RSO Telephone No.: 810.664.6272

Priority: E1 5

Program Code: 03121

Date of Last Inspection: 8/11/99 with continuing in-office review through 8/23/99 to review and discuss the training and experience of the proposed RSO

Date of This Inspection: 7/12/2005 with continued in-office review through July 27, 2005

Type of Inspection:

Announced

Unannounced

Routine

Special

Initial

Next Inspection Date 7/2010 (X) Normal () Reduced

Justification for reducing the routine inspection interval:

Summary of Findings and Actions:

No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued

Non-cited violations (NCVs)

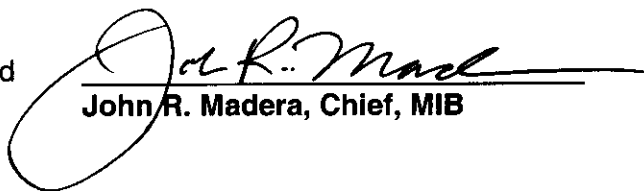
Violation(s), Form 591 issued

Violation(s), regional letter issued

Follow up on previous violations

Inspector(s) 
Deborah A. Piskura

Date 7/29/2005

Approved 
John R. Madera, Chief, MIB

Date 8/11/05

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES:
(License amendments issued since last inspection, or program changes noted in the license)

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
8	10/18/99	RSO change

2. INSPECTION AND ENFORCEMENT HISTORY:
(Unresolved issues; previous and repeat violations; Confirmatory Action Letters; and orders)

One violation, an unauthorized RSO, was identified during the last inspection conducted on August 11, 1999. Two violations were identified during the 12/2/93 inspection: (1) L.C. 13 failure to perform leak tests of sealed sources at 6-month intervals in 1990 and (2) 10 CFR 71.5/49 CFR 173.200, failure to carry shipping papers while transporting RAM.

During this inspection, the licensee informed the inspector that the individual named as RSO on the license was no longer working for the Road Commission (as of late October-November 2004). Another individual was assigned the RSO duties in January 2005, however the licensee failed to amend its NRC license and inform NRC of this change. Therefore, the violation identified during the 1999 inspection remained "open" and considered a repeat violation of NRC requirements.

3. INCIDENT/EVENT HISTORY:
(List any incidents, or events reported to NRC since the last inspection. Citing "None" indicates that regional event logs, event files, and the licensing file have no evidence of any incidents or events since the last inspection.)

NONE

According to the Acting RSO, there have been no events, incidents, or equipment failures since the last NRC inspection. The inspector confirmed this through a review of ADAMS and the events listed in the NMED database.

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:
(Management organizational structure; authorized locations of use, including field offices and temporary job sites; type, quantity, and frequency of material use; staff size; delegation of authority)

The licensee was a small county government engineering office employing 20 individuals. This office owned two Troxler moisture/density gauges which were used occasionally for highway projects during the construction season. Six individuals were authorized to use the gauges. The licensee did not perform any service or maintenance activities on its gauges; these services were performed by the manufacturer. According to the Acting RSO, the office's use of its gauges had declined sharply over the last two years. The licensee was negotiating with an outside firm (who was unlicensed at this time and applying for an NRC license) to

subcontract all road construction projects. This firm planned to purchase the gauges from the licensee once it received the new NRC license. The road commission planned on terminating its NRC license once the transaction/transfer was completed. The licensee expected this transaction to occur within the next few months.

During this inspection, the inspector toured the gauge storage room, interviewed licensee personnel, performed radiation surveys around the devices and the storage room, and reviewed select records. The inspection also included a review of licensed activities at a field inspection of the authorized gauge user while he conducted soil testing at a temporary job site in Dryden Township, Michigan.

The field inspection consisted of interviews with the gauge user and observations of his use of personnel dosimetry, and surveillance/use of the gauge at the job site. The inspector also reviewed the shipping papers, emergency procedures, leak test certificates which the gauge user maintained with the gauge unit. The inspector noted that the licensee had not performed sealed source leak tests on the gauge used at this job site since July 2004. At the time of the field inspection at the job site, the gauge was not in use. The inspector observed that the gauge was stored within the transportation case with locks securing the transportation case and the source rod. The transportation case was chained and locked to the bed of the truck (covered bed). The gauge user had the keys to all locks in his possession.

Two potential violations of NRC requirements were identified during this inspection. During the entrance meeting, the licensee's staff informed the inspector that the individual listed in License Condition 11, Radiation Safety Officer, was no longer with the Road Commission. License Condition 11 states that the Radiation Safety Officer for this License is David Vaughn. The licensee stated that this individual left in October-November 2004 and another individual, Mr. William Meinz, assumed the role as RSO in January 2005. Note that the licensed activities were considered "inactive" during October-January and the gauges remained in secured storage. Unfortunately, the licensee failed to notify the NRC of this RSO change and amend its license accordingly.

The inspector also identified a potential violation of License Condition 13 involving failure to perform sealed source leak tests on one of its two gauges at 6 month intervals. The licensee had forgotten to perform the required leak tests on the gauge. On July 22, 2005, the licensee staff mailed the leak test samples to the manufacturer for analysis; the results were negative.

This inspection included in-office review of the licensee's facsimiles submitted July 22, 25, and 27, 2005, in which the licensee provided additional information demonstrating that it filed for an license amendment to change the RSO, conducted a leak test of a gauge, and provided of copy of the proposed RSO's training certificate.

2. INSPECTION SCOPE

INSPECTION PROCEDURE(S) USED: 87124
INSPECTION FOCUS AREAS: 03.01 through 03.07

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

(Areas surveyed, both restricted and unrestricted, and measurements made; comparison of data with licensee's results and regulations; and instrument type and calibration date)

The inspector performed independent radiation surveys at the surface of each gauge case. The highest reading was measured directly on the surfaces of each gauge case, 10 mR/hr and 0.5 mR/hr at 1 meter. The inspector concluded that the radiation levels in all areas outside the gauge storage room were at background and the unrestricted areas outside the gauge storage room were within Part 20 limits. No violations of NRC requirements were identified.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

(State requirement and how and when licensee violated the requirement. For NCVs, indicate why the violation was not cited. Attach copies of all licensee documents needed to support violations.)

On the day of the exit meeting with the licensee staff, the inspector informed the licensee that two potential violations of NRC requirements were identified during the inspection.

- A. Condition 11 of License No. 21-18710-01 states that the Radiation Safety Officer for this license is David G. Vaughn.**

Contrary to the above from November 2004 to the time of this inspection, David G. Vaughn was not the Radiation Safety Officer. (Repeat)

- B. Condition No. 13 A. of NRC License No. 21-18710-01 requires that sealed sources be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by NRC under 10 CFR 32.210 or by an Agreement State. The certificate of registration number NC-646-D-121-S issued by North Carolina, an Agreement State, specifies that Troxler Model 3400 Series gauges be tested for leakage and/or contamination at intervals not to exceed six months.**

Contrary to the above, the licensee failed to test one Troxler Model 3411B gauge (Serial No. 7437) containing radioactive material for leakage and/or contamination between July 2, 2004, and July 22, 2005, an interval exceeding six months.

5. PERSONNEL CONTACTED:

[Identify licensee personnel contacted during the inspection (including those individuals contacted by telephone).]

***William J. Meinz, P.E., Acting RSO
#Daniel Toy, Manager
#Lynette Daily, Board Secretary
George F. Misjah, City Surveyor
Ray Davis, President, Davis Land Survey and Engineering**

Use the following identification symbols:

Individual(s) present at entrance meeting

* Individual(s) present at exit meeting