

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE LOCATION INSPECTED: Gogebic County Road Commission 200 North Moore Street Bessemer, MI 49911		2. NRC/REGIONAL OFFICE Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352	
REPORT NUMBER(S) 2016-001			
3. DOCKET NUMBER(S) 030-33445	4. LICENSE NUMBER(S) 21-26558-01	5. DATE(S) OF INSPECTION 06/14/16, with in-office review through 07/06/16	

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.
(Violations and Corrective Actions)

Contrary to 10 CFR 71.5(a) / 49 CFR 172.702(d), as of June 14, 2016, Gogebic County Road Commission routinely transported licensed material and delivered licensed material to a carrier for transport, but failed to ensure that its hazmat employees were tested by appropriate means on the training subjects covered in §172.704. Specifically, the licensee, a hazmat employer, had never tested its sole gauge user, a hazmat employee, on these subjects.

As corrective action, on June 27, 2016, the licensee provided hazmat training and testing to its gauge user, and committed to provide this training and testing once every three years.

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE	THOMAS LEAF, R.S.O.	<i>Thomas Leaf</i>	7/11/2016
NRC INSPECTOR	Ryan Craffey, Health Physicist	<i>Ryan Craffey</i>	7/6/16
BRANCH CHIEF	Aaron McCraw, Chief, MIB	<i>Aaron McCraw</i>	7/6/16

Docket File Information
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2. NRC/REGIONAL OFFICE

Region III
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2443 Warrenville Road, Suite 210
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3. DOCKET NUMBER(S)

030-33445

4. LICENSE NUMBER(S)

21-26558-01

5. DATE(S) OF INSPECTION

06/14/16, with in-office review
through 07/06/16

6. INSPECTION PROCEDURES USED

87124

7. INSPECTION FOCUS AREAS

All

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S)

03121

2. PRIORITY

5

3. LICENSEE CONTACT

Thomas Leaf - RSO

4. TELEPHONE NUMBER

(906) 667-0233

Main Office Inspection

Next Inspection Date:

06/14/2021

Field Office Inspection

Temporary Job Site Inspection Lake Superior Road at Montreal River, Ironwood, MI

PROGRAM SCOPE

This was an unannounced routine inspection of a county roads department authorized to use portable moisture density gauges containing byproduct material at its facility in Bessemer, Michigan, and at temporary job sites in NRC jurisdiction. At the time of the inspection, the licensee had one Troxler 3430 gauge, and one authorized user (the RSO). The licensee had access to a survey meter, if necessary, through another portable gauge licensee with an office in Ironwood, Michigan.

PERFORMANCE OBSERVATIONS: The inspector toured the facility in Iron Mountain to evaluate the licensee's measures for materials security, hazard communication and exposure control. The inspector conducted independent surveys in the vicinity of the gauge storage location and found no exposures to members of the public in excess of regulatory limits. The inspector also confirmed that the licensee maintained two barriers to secure its gauge in storage. While at the facility, the inspector also reviewed a selection of licensee records, including records of leak tests performed every six months, utilization logs, dosimetry reports, and shipping papers. The inspector then visited the RSO at a job site outside of Ironwood, and although the RSO was not using the gauge at the time, he was nevertheless able to demonstrate and discuss the implementation of licensee procedures for gauge transport, use, maintenance and emergency response. The inspector found the licensee's RSO to be knowledgeable of radiation protection principles and regulatory requirements.

The inspector identified a SLIV violation of 10 CFR 71.5(a) for the licensee's failure to ensure, as required by 49 CFR 174.702(d), that each of its hazmat employees was tested by appropriate means on the training subjects covered in §172.704. During discussions with the RSO, and continuing through the period of in-office review, the inspector found that although the RSO was knowledgeable of these training subjects, and reviewed material which appeared to address these subjects prior to shipping the gauge to the manufacturer for service each year, he could not recall ever completing a test on those subjects. The inspector determined that the root cause of this violation was a lack of understanding of regulatory requirements. As corrective action, on June 27, 2016 the RSO completed hazmat training and testing provided by the gauge manufacturer, and forwarded a copy of a certificate demonstrating as such to the inspector. The RSO also committed to complete this training and testing once every three years.

DJP 7/6/16
John M