



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

July 7, 2017

Mr. Scott Saigeon
Radiation Safety Officer
Muskegon County Road Commission
7700 E. Apple Avenue
Muskegon, MI 49442

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03020574/2017001(DNMS) AND
NOTICE OF VIOLATION – MUSKEGON COUNTY ROAD COMMISSION

Dear Mr. Saigeon:

On May 1, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility located in Muskegon, Michigan, with continued in-office review through June 14, 2017. 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 your license amendment application submitted to the NRC, in addition to the most recent leak test records for a portable gauge that you had placed in storage. Mr. Edward Harvey of my staff conducted a final exit meeting by telephone with you on June 14, 2017, 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 listed in License Condition 12 of NRC License 21-21369-01 perform the duties and functions of the Radiation Safety Officer (RSO) for your licensed activities. Specifically, that individual left your company in September 2016, and you did not amend the license to list the subsequent, qualified individual appointed as the RSO on the license since that time. 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 the violation.

The inspector determined that the root cause of the violation was management oversight as the licensee experienced a change of personnel. As corrective action to restore compliance, the licensee submitted an amendment request on March 15, 2017, to have a new individual named as RSO on the license. This request was approved by the NRC and full compliance was achieved on June 6, 2017. As corrective action to prevent recurrence of the violation, the licensee stated that they will be transferring their portable gauges to an authorized entity and submitting a termination request to the NRC.

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) Section 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. 030-20574
License No. 21-21369-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to Scott Saigeon from Aaron McCraw, dated July 7, 2017

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03020574/2017001(DNMS) AND
NOTICE OF VIOLATION – MUSKEGON COUNTY ROAD COMMISSION

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NAME	EHarvey:cl AMcCraw for		AMcCraw				
DATE	7/7/2017		7/7/2017				

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NOTICE OF VIOLATION

Muskegon County Road Commission
Muskegon, Michigan

License No. 21-21369-01
Docket No. 030-20574

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 1, 2017, with continued in-office review through June 14, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 12 of Amendment 09 of NRC License 21-21369-01 required a specifically listed individual to perform the duties and functions of the Radiation Safety Officer (RSO).

Contrary to the above, between September 2016 and March 15, 2017, the named individual, specifically authorized by Condition 12 of the license to fulfill the duties and functions of RSO, was no longer employed by the licensee and did not fulfill the duties and functions of the RSO. Specifically, that individual left the employment of the licensee in September 2016; since that time, the licensee appointed a qualified individual – as determined by the NRC on June 6, 2017 – to fulfill the duties and functions of the RSO, but did not request an amendment to the NRC license until March 15, 2017.

This is a Severity Level IV violation (Section 6.3.d.8).

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) Section 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 03020574/2017001(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, your 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 7th day of July, 2017

Enclosure