UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

February 9, 2005

Mr. Christopher G. Smith
Corporate Radiation Safety Officer
X-Ray Inspection, Inc.
102 Row Three
Lafayette, Louisiana 70508

SUBJECT: NRC INSPECTION REPORT 030-35840/05-001 AND NOTICE OF VIOLATION

Dear Mr. Smith:

This refers to the inspection conducted on February 1, 2005, at your facility in Lafayette, Louisiana. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, performance of licensed activities, and interviews with personnel. The inspection findings were discussed with your acting radiation safety officer at the conclusion of the onsite portion of the inspection on February 1, 2005.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (enclosed). The violation is cited in the enclosed Notice of Violation. This violation is being cited because it was identified by the NRC during the inspection.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (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, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public

access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209 or (301) 415-4737 or pdr@nrc.gov.

Should you have any questions concerning this inspection, please contact Mr. Rick Muñoz at (817) 260-8220 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Jeffrey Cruz, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-35840
License No.: 17-27713-01

Enclosures:
1. Notice of Violation
2. NRC Information Notice 96-28
3. NRC Enforcement Policy, NUREG-1600

cc w/Enclosure 1:
Louisiana Radiation Control Program Director

bcc w/Enclosure 1 (via ADAMS distrib):
PKHolahan
CLCain
JCruz
JEWhitten
RRMuñoz
KEGardin
NMIB
RIV Materials Docket File (5th floor)

SISP Review Completed: RRM

ADAMS: **X** Yes __No Initials: RRM

X Publicly Available ☐ Non-Publicly Available ☐ Sensitive X Non-Sensitive

DOCUMENT NAME: s:\dnms\!nmib\!muñoz\53584001.wpd

RIV:DNMS:NMIB	C:NMLB	C:NMIB
RR Muñoz	JEWhitten	J Cruz
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OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

ENCLOSURE 1

NOTICE OF VIOLATION

X-Ray Inspection, Inc.
Lafayette, Louisiana

Docket No. 030-35840
License No. 17-27713-01

During an NRC inspection conducted on February 1, 2005, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

> License Condition 13 of Byproduct Materials License 17-27713-01 states that the radiation safety officer for the license is Neil J. Marks.
>
> Contrary to the above, as of January 1, 2005, the radiation safety officer for the license was not Neil J. Marks. Specifically, Mr. Marks resigned from X-Ray Inspection, Inc., on December 31, 2004, and was not available to the licensee to perform the duties of the radiation safety officer. Additionally, at the time of the inspection, the individual performing the required duties had not been identified as a radiation safety officer designee in a license application received by the NRC on August 26, 2002 or in any subsequent license amendment requests.
>
> This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, X-Ray Inspection, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy, proprietary, or safeguards 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, then 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 material, 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 safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 9th day of February 2005.