



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

June 4, 2019

EA-19-020

Mr. William Reeve  
Radiation Safety Officer  
JAN X-Ray Services, Inc.  
8550 East Michigan Avenue  
P.O. Box 190  
Parma, MI 49269

SUBJECT: JAN X-RAY SERVICES, INC. - NOTICE OF VIOLATION; NRC ROUTINE  
INSPECTION REPORT NO. 03011772/2019001(DNMS)

Dear Mr. Reeve:

This letter refers to the inspection conducted on January 7 through 10, 2019, at your facility in Parma, Michigan, and at two temporary job sites in Michigan, with continued in-office review through March 15, 2019. The purpose of the inspection was to review activities performed under your U. S. Nuclear Regulatory Commission (NRC) license to ensure they were being performed in accordance with NRC requirements, including an evaluation of the circumstances of a recent radiographer audit finding. Details of the inspection were provided in the non-public version of NRC Inspection Report No. 03011772/2019001(DNMS), issued on April 26, 2019. During the inspection, the NRC determined that an apparent violation of NRC requirements occurred. The circumstances surrounding the apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with you at the inspection exit meeting on March 29, 2019.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter, dated May 2, 2019, you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report, dated May 2, 2019, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice)(Enclosure 1)(non-public) and the circumstances surrounding it are described in detail in the non-public version of the subject inspection report. The violation is of concern to the NRC for the reasons stated in the Final Determination of Significance (Enclosure 2) (non-public).

Enclosures 1 and 2 contain Sensitive Unclassified Non-Safeguards Information. When separated from Enclosures 1 and 2, this transmittal document is decontrolled.
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Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$14,500 is considered for a Severity Level III violation.

Because your facility has been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Credit was warranted for *Identification*, because you, as the Radiation Safety Officer, identified the violation during a semiannual audit of radiographers. In NRC Inspection Report No. 3011772/2019001(DNMS), the NRC described its understanding of the corrective actions implemented to correct the violation. In your May 2, 2019, letter you described the corrective actions taken to correct the violation. These corrective actions are also documented in Enclosure 2. Based on these corrective actions, the NRC has determined that *Corrective Action* credit is warranted.

Therefore, to encourage prompt identification and comprehensive correction of violations, 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 violation 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 violation; (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.03011772/2019001 (DNMS) and your letter dated May 2, 2019. 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 Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

However, the enclosures to this letter contain security-related information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosures will not be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS. If you choose to respond and security-related information is necessary to provide an acceptable response,

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please mark the top of each page of your entire response “security-related information – Withhold under 10 CFR 2.390” and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,

*/RA by John B. Giessner acting for/*

Darrell J. Roberts  
Regional Administrator

Docket No. 030-11772  
License No. 21-16560-01

Enclosures:

1. Notice of Violation
2. Final Determination of Significance

cc w/o encl: State of Michigan

~~OFFICIAL USE ONLY – SECURITY RELATED INFORMATION~~

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Letter to W. Reeve from Darrell J. Roberts, Regional Administrator dated June 4, 2019

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