



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

October 4, 2021

EA-21-122

Mr. Travis Rogers
President
JAN X-Ray Services, Inc.
8550 E. Michigan Ave.
Parma, MI 49269

SUBJECT: NRC REACTIVE AND ROUTINE INSPECTION REPORT
NO. 03011772/2021001(DNMS) - JAN X-RAY SERVICES, INC.

Dear Mr. Rogers:

On June 17 to July 15, 2021, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted reactive and routine inspections at your office in Parma, Michigan and at temporary job sites in Milford, Olivet, and Woodhaven, Michigan, following a field inspection on June 17, 2021, at a temporary job site in Ypsilanti Township, Michigan. The purpose of the reactive inspection was to review the circumstances surrounding a problem identified by the NRC inspector with the control of radioactive material at the temporary job site on June 17. The purpose of the routine inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The enclosed inspection report presents the results of the inspections.

During these inspections, 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 inspections consisted of selected examination of procedures and representative records, tours of facilities, demonstrations of activities, and interviews with personnel.

Based on the results of these inspections, apparent violations of NRC requirements were identified and are being considered for escalated enforcement action 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 violations were of a security-related nature. Details of the violations, as well as the corrective actions that have since been taken to restore compliance with regulatory requirements, are discussed in Enclosure 2.

Enclosure 2 contains Sensitive
Unclassified Non-Safeguards Information.
When separated from this Enclosure, this
transmittal letter and Enclosure 1 is
decontrolled.

T. Rogers

2

Because the NRC has not made a final determination in this matter, the NRC is not issuing a Notice of Violation for these inspection findings at this time. Mr. Ryan Craffey of my staff discussed the circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action – including those that address the potential for recurrence of similar violations in other field conditions – with you at the inspection exit meeting on September 7, 2021.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond in writing to the apparent violations addressed in this inspection report within 30 days of the date of this letter, (2) request a Predecisional Enforcement Conference (PEC), or (3) request Alternative Dispute Resolution (ADR). **Please contact Mike Kunowski, Chief of the Materials Inspection Branch, at 630-829-9618 or Michael.Kunowski@nrc.gov within ten days of the date of this letter to notify the NRC of your intended response.**

If you choose to provide a written response, it should be clearly marked as “Response to the Apparent Violations in Inspection Report No. 03011772/2021001(DNMS); EA-21-122,” and should include, for the apparent violations: (1) the reason for the apparent violations, or, if contested, the basis for disputing the apparent violations; (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 was or will be achieved. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in NRC Information Notice 96-28, “Suggested Guidance Relating to Development and Implementation of Corrective Action,” may be useful in preparing your response. You can find the information notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. Your response should be sent to the NRC’s Document Control Desk, Washington, DC 20555-0001, with a copy mailed to the NRC Region III Office, 2443 Warrenville Road, Suite 210, Lisle, Illinois 60532, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, it will afford you the opportunity to provide your perspective on the apparent violations and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the PEC may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken.

In lieu of a PEC, you may also request ADR with the NRC in an attempt to resolve this matter. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the “mediator”) works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about->

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3

nrc/regulatory/enforcement/adr.html. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with the NRC's Rules of Practice in 10 CFR 2.390, a copy of this letter and Enclosure 1 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>. However, Enclosure 2 and your written response, if you choose to provide one, will not be made available electronically for public inspection because of the security-related information that is or would be contained in each.

Please feel free to contact Mr. Craffey of my staff if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655 or Ryan.Craffey@nrc.gov.

Sincerely,



Signed by Pelton, David
on 10/04/21

David L. Pelton, Director
Division of Nuclear Materials Safety

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

Enclosure:

1. IR 03011772/2021001(DNMS) (publicly available)
2. Security Addendum (non-public)

cc w/encl 1: State of Michigan

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4

Letter to Travis Rogers from David Pelton, dated October 4, 2021.

SUBJECT: NRC INSPECTION REPORT NO. 03011772/2021001(DNMS) – JAN X-RAY SERVICES, INC.

DISTRIBUTION w/encl:

Jack Giessner
Mohammed Shuaibi
David Pelton
Joseph Nick
Jamnes Cameron
Kenneth Lambert
Paul Pelke
MIB Inspectors

ADAMS Accession Number: ML21266A012

OFFICE	RIII-DNMS	C	RIII-DNMS	C	RIII-EICS	C	RIII-DNMS	C
NAME	RCraffey:brt		MKunowski		JCameron		DPelton	
DATE	09/23/21		09/23/21		09/23/21		10/4/21	

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**U.S. Nuclear Regulatory Commission
Region III**

Docket No. 030-11772

License No. 21-16560-01

Report No. 03011772/2021001(DNMS)

EA No. EA-21-122

Licensee: JAN X-Ray Services, Inc.

Facility: 8550 E. Michigan Ave.
Parma, MI

Temporary job sites in Ypsilanti Township, Milford,
Olivet, and Woodhaven, MI

Inspection Dates: June 17 -- July 15, 2021

Exit Meeting Date: September 7, 2021

Inspector: Ryan Craffey, Health Physicist

Approved By: Mike Kunowski, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Enclosure 2 contains Sensitive
Unclassified Non-Safeguards Information.
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Enclosure 1 is decontrolled.

Enclosure 1

EXECUTIVE SUMMARY

**JAN X-Ray Services, Inc.
NRC Inspection Report 03011772/2021001(DNMS)**

A reactive inspection was performed following the identification by an NRC inspector of a problem with the control of radioactive material at a temporary job site in Ypsilanti Township, Michigan, on June 17, 2021. A routine inspection was conducted concurrently with the reactive inspection. JAN X-Ray Services, Inc. is a non-destructive testing company authorized by U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-16560-01 to possess and use radioactive material for industrial radiography in NRC jurisdiction. These inspections included a review of the continued implementation of the licensee's radiation safety and security programs at its main office in Parma, Michigan, as well as additional observations at temporary job sites in Milford, Olivet, and Woodhaven, Michigan.

As a result of these inspections, the NRC determined that apparent violations of NRC security requirements occurred. The circumstances of these violations, as well as corrective actions that the licensee has since taken to restore compliance with regulatory requirements and to address the potential for recurrence of similar violations, are discussed in the non-public Security Addendum to this inspection report.

REPORT DETAILS

1 Program Overview and Inspection History

JAN X-Ray Services, Inc. (the licensee) was authorized by NRC Materials License No. 21-16560-01 to use byproduct and source material for industrial radiographic operations. The licensee was specifically authorized to use sealed sources of byproduct material (iridium-192, cobalt-60, selenium-75, and cesium-137) in a variety of radiographic exposure devices, survey instrument calibrators, and x-ray crawler controllers, and to use source material (depleted uranium) for shielding. The licensee's RSO was assisted in his oversight of the program by radiation safety staff at the licensee's main office in Parma.

The NRC last inspected the licensee's radiation safety program in September 2020. This inspection also included observations of licensed activities at temporary job sites in Hemlock and Chesterfield, Michigan. One non-cited violation (NCV) was noted involving the isolated and self-identified failure to wear a personnel dosimeter during radiographic operations, as required by Title 10 of the *Code of Federal Regulations* (CFR) Paragraph 34.47(a).

The NRC previously inspected the licensee's radiation safety program in January 2019. This inspection included observations of licensed activities at temporary job sites in East Lansing and Sanford, Michigan. One violation of a security-related nature was cited. The inspection cycle was completed shortly thereafter in April 2019 with observations at a temporary job site in Kalamazoo, Michigan, with no additional violations noted.

2 Radiation Safety Program

2.1 Inspection Scope

On July 13 and 15, 2021, the inspector visited the licensee's main office in Parma, Michigan to review the implementation of its radiation safety program. The inspector toured the facility, observed activities, conducted interviews, and reviewed a selection of records.

2.2 Observations and Findings

The inspector toured the facility and confirmed that all licensed material was adequately secured inside restricted areas that were adequately posted. Independent measurements of radiation exposure in unrestricted areas of the facility were well below regulatory limits to members of the public. The inspector evaluated a selection of available radiography equipment and found it to be operable and in good condition. Survey meters and direct reading dosimeters were properly calibrated, and radiography cameras were properly labeled.

While at the main office, the inspector observed the receipt of packages containing licensed material and demonstrations of material accountability practices including periodic inventories. The inspector interviewed the licensee's RSO and radiation safety staff and found them to be knowledgeable of radiation safety principles, licensee procedures, and regulatory requirements.

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The inspector also reviewed a selection of records, including camera maintenance and leak test records, quarterly inventories, program audits, radiographer field audits, refresher training materials, personnel dosimetry reports, which recorded maximum occupational whole-body doses for staff in NRC jurisdiction of 1,828 millirem (mrem) in 2020, and 642 millirem in 2021 through May 31.

2.3 Conclusions

The inspector had no findings with respect to the licensee’s implementation of the radiation safety program.

3 Field Observations

3.1 Inspection Scope

On June 17, 2021, the inspector visited a temporary job site in Michigan to observe and evaluate the conduct of radiographic operations by licensee personnel. On July 14 and 15, 2021, the inspector visited three additional temporary job sites in Michigan.

3.2 Observations and Findings

On June 17, the inspector drove past a road construction project near the intersection of Interstate 94 and US-12 in Ypsilanti Township and noticed two radiography rigs parked on site. Both belonged to the licensee. The inspector observed the conduct of radiographic operations before announcing his presence. During these observations, the inspector identified apparent violations of a security-related nature. The licensee’s personnel took immediate action to correct the violations, details of which are discussed further in the non-public Security Addendum to this report.

On July 14 and 15, the inspector also observed the conduct of numerous radiographic exposures at three temporary job sites in Michigan: one at a natural gas compressor station in Milford, one at a natural gas compressor station in a rural area outside Olivet, and one at the Buckeye Terminal in Woodhaven. At each of these job sites, licensee personnel maintained full compliance with NRC security requirements.

At all job sites (including Ypsilanti Township), licensee personnel had established restricted areas that appeared adequate to ensure compliance with public dose limits, based on independent and confirmatory measurements. All personnel used calibrated and operable dosimetry and instrumentation during the conduct of radiographic operations and, based on interviews, appeared knowledgeable of radiation protection principles, licensee procedures, and regulatory requirements. The inspector also reviewed a selection of records kept in the field, including utilization logs, shipping papers, operating and emergency procedures, and radiographer certifications.

3.3 Conclusions

The inspector identified apparent violations of a security related nature at the job site in Ypsilanti Township.

4 Exit Meeting Summary

The NRC inspector presented preliminary inspection findings following the onsite and in-office inspections on September 7, 2021. The licensee did not identify any documents or processes reviewed by the inspector as proprietary. The licensee acknowledged the findings presented.

LIST OF PERSONNEL CONTACTED

Dolores Gonzalez – Radiation Safety Specialist
Kyle Keena – Senior Operations Supervisor
Travis Rogers – President, Radiation Safety Officer
Angela Swinford – Radiation Safety Specialist

Tim Blue – Radiographer
Josh Buter – Radiographer
Troy Fairchild – Radiographer
Ralph Frushour – Radiographer
Scotty Hayes – Radiographer
Eli Lewis – Radiographer
Jake Moffat – Radiographer
Mike O'Brien – Radiographer
Jim Watkins – Radiographer

Attended exit meeting on September 7, 2021

INSPECTION PROCEDURES USED

87121 – Industrial Radiography Programs

- END -