

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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



December 15, 2021

EA-21-122

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

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY-  
\$15,000, NRC ROUTINE AND REACTIVE INSPECTION REPORT NO.  
03011772/2021001(DNMS) - JAN X-RAY SERVICES, INC.

Dear Mr. Rogers:

This letter refers to the reactive and routine inspections on June 17 to July 15, 2021, conducted 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 Nuclear Regulatory Commission (NRC) inspector with the control of radioactive material at the temporary job site on June 17, 2021. 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.

In the October 1, 2021, letter, and non-public NRC Reactive and Routine inspection report, we informed you that apparent violations were being considered for escalated enforcement action, including a civil penalty. In the letter, we provided you the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference, engaging the NRC in Alternative Dispute Resolution (ADR) mediation, or by providing a written response before we made our final enforcement decision. In a letter dated October 29, 2021, you provided a written response to the apparent violations.

Based on the information developed during the inspections and the information that you provided in your response dated October 29, 2021, the NRC has determined that security related violations of NRC requirements occurred and is proceeding with enforcement action. These violations are cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice)(Enclosure 1)(non-public) and the circumstances surrounding them are

Enclosures 1 and 2 contain Sensitive Unclassified Non-Safeguards Information. When separated from Enclosures 1 and 2, this transmittal letter and Enclosure 3 are decontrolled.

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described in detail in the subject inspection report. The violations are of concern to the NRC for the reasons stated in the Determination of Severity Level and Description of Corrective Actions (Enclosure 2)(non-public). Therefore, these violations have been categorized in accordance with the NRC Enforcement Policy, collectively as a Severity Level (SL) III problem. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$15,000 is considered for a SL III problem.

Because your facility has been the subject of escalated enforcement actions within the last (two inspections),<sup>1</sup> 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 for Identification not warranted because the violations were identified by the inspector during an NRC inspection. Credit for corrective actions is warranted. Corrective actions were implemented as discussed in Enclosure 2 (non-public) and in your letter dated October 29, 2021.

Therefore, to emphasize the importance of control of licensed material, and of identification of violations, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$15,000 for the SL III problem. In addition, issuance of this Notice constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC recognizes that many licensees have been impacted economically by the public health emergency caused by the Coronavirus Disease 2019 (COVID-19). Consequently, as described in the enclosed Notice, the NRC is extending by 30 days the period of time by which the civil penalties must be paid (i.e., extending the deadline from 30 days to 60 days from the date of this Notice), and the NRC would consider a request for additional time, if appropriate. Please refer to the enclosed Notice for further instructions.

You may choose to pay the proposed civil penalty by submitting your payment, with the invoice enclosed (Enclosure 3)(public) to this letter, to the following address:

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

In addition, you may pay the proposed civil penalty in accordance with NUREG/BR-0254. When using NUREG/BR-0254 to pay the civil penalty, the invoice number should be used as the "enforcement action identifier" when submitting your payment through one of the approved methods listed in the brochure. The NRC may consider a request for additional time to pay the proposed civil penalty, including the option to enter into an installment agreement, if payment of the civil penalty as a lump sum in the required timeframe would pose a financial hardship. To request additional time to pay, you must submit a written request, with appropriate justification

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<sup>1</sup> A Severity Level III violation was issued on June 4, 2019 (EA-19-020) involving SLIII violations of 10 CFR 20.1801 and 37.53.

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explaining your financial hardship, to [NRCCollections.Resource@nrc.gov](mailto:NRCCollections.Resource@nrc.gov). All requests should be submitted in sufficient time to allow the NRC the ability to review your request for additional time to pay before the 30-day payment period expires.

If you disagree with this enforcement sanction, you may deny the violation, as described in the Notice, or you may request alternative dispute resolution (ADR) with the NRC in an attempt to resolve this issue. 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 ADR program can be found at <http://www.nrc.gov/about-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. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Shelbie Lewman, Acting Enforcement/Investigations Officer at 630-829-9653 within 10 days of the date of this letter. You may also contact both ICR and Shelbie Lewman for additional information. Your submitted signed agreement to mediate using the NRC ADR program will stay the 30-day time period for payment of the civil penalties and the required written response, as identified in the enclosed notice, until the ADR process is completed.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective steps that have been taken; (3) the corrective steps that will be taken; and (4) the date when full compliance was achieved is already adequately addressed on the docket in NRC Reactive and Routine Inspection Report No. 03011772/2021001(DNMS) and in your letter dated October 29, 2021. 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 the NRC's Rules of Practice in 10 CFR 2.390, a copy of this letter and Enclosure 3 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, Enclosures 1 and 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. The NRC also includes significant enforcement actions on its Web site <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

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If you have any questions concerning this matter, please contact Shelbie Lewman, Acting Enforcement/Investigations Officer of my staff, at 630-829-9653.

Sincerely,



Signed by Giessner, Jack  
on 12/15/21

John B. Giessner  
Regional Administrator

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

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty and Imposition of Civil Penalty (non-public)
2. Determination of Severity Level and Description of Corrective Actions (non-public)
3. Civil Penalty Invoice (public)

cc w/o encls: State of Michigan

12/15/2021



**Address/Customer Information**

JAN X-Ray Services, Inc.  
P.O. BOX 190/ 8550 E. MICHIGAN  
PARMA, MI 49269

**Customer Codes**

Account Code: L00000981/1

**Bill Information**

Bill Number: EA-21-122  
Amount Due: \$15,000.00  
Due Date: 01/14/2022

**Contact Us**

Phone Number: 301-415-7554  
Fax Number: 301-415-4135  
Email Address: Fees.Resource@nrc.gov

**Remit to Address**

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

**Bill Summary**

Initial Charges	\$15,000.00
Discount	0.00
Surcharge	0.00
Interest Charges	0.00
Penalty Charges	0.00
Admin Charges	0.00
Bill Amount	\$15,000.00
Collected	0.00
Applied Credit	0.00
Adjustments	0.00
Amount Due	\$15,000.00

**Credit Summary**

Applied Credit	\$0.00
Unapplied Credit	0.00
Credit Total	\$0.00

**Comments:**

For questions, contact the NRC Financial Services and Operations Branch at (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105 and 10 CFR 15. If this invoice is related to an Order Imposing a Civil Penalty, JAN X-Ray Services, Inc. is required to pay the Civil Penalty within 30 days of the Order date. If payment is in response to a Notice of Violation and Proposed Imposition of a Civil Penalty, please follow the instructions in the Notice. The NRC may consider a request for additional time to pay the Civil Penalty, including the option to enter into an installment agreement, if appropriate. All requests for additional time to pay an invoice must be submitted in writing, with appropriate justification, to NRCCollections.Resource@nrc.gov, and should be submitted sufficiently ahead of time to allow the NRC time to review the request for additional time to pay within the 30-day payment period.

This Invoice is related to the Civil Penalty proposed or imposed under EA-21-122, issued to JAN X-Ray Services, Inc. Please include this reference number on your payment method (see attached Payments Methods Brochure)

**Customer Information**

L00000981/1  
JAN X-Ray Services, Inc.  
P.O. BOX 190/ 8550 E. MICHIGAN  
PARMA, MI 49269

**Change of Address:**

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**Phone:** \_\_\_\_\_

**Remittance Information**

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

**This Payment References the following Bill:**

EA-21-122

**Outstanding Amount Due:** \$15,000.00

**Amount Enclosed:** \_\_\_\_\_

T. Rogers

NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY- \$15,000, NRC ROUTINE AND REACTIVE INSPECTION REPORT NO. 03011772/2021001(DNMS) - JAN X-RAY SERVICES, INC. DATE December 15, 2021

DISTRIBUTION: EA-21-122

OE-001

OFFICE	R-III/EICS	R-III/DNMS/MIB	R-III/DNMS	SECY/RAS
NAME	SBakhsh <i>SB</i>	MKunowski <i>MK</i>	DPelton <i>DP</i>	RChazell <i>RC</i>
DATE	Nov 22, 2021	Nov 23, 2021	Nov 23, 2021	Nov 24, 2021
OFFICE	OGC/GCHA/GCA/NLO	NMSS/MSST/MSEB	OE/EB	R-III
NAME	RAugustus <i>RA</i>	MBurgess <i>MB</i>	JDe <i>JD</i>	SLewman <i>SL</i>
DATE	Dec 8, 2021	Dec 10, 2021	Dec 8, 2021	Dec 10, 2021
OFFICE	R-III			
NAME	JGiessner <i>JG</i>			
DATE	Dec 15, 2021			

**OFFICIAL RECORD COPY**