



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

November 28, 2023

EA-23-101

Kyle Ledbetter
Regional Radiation Safety Officer
IRISNDT, Inc.
7815 Maryland Avenue
Hammond, IN 46323

SUBJECT: NOTICE OF VIOLATION; NRC ROUTINE INSPECTION REPORT
NO. 03038777/2023001(DRSS) – IRISNDT, INC.

Dear Kyle Ledbetter:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 5, 2023, at your field station in Taylor, Michigan, and at temporary job sites on the premises of the Marathon Detroit Refinery in Detroit, Michigan, with continued in-office review through August 6, 2023. 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. An exit meeting was held on August 29, 2023, with you by telephone to discuss an apparent violation involving the failure to adequately control access to a high radiation area at a temporary job site in Detroit, Michigan. The public version of Inspection Report No. 03038777/2023001(DRSS) was issued on September 12, 2023, and can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at accession number ML23243B019. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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, by providing a written response, or by attending an alternate dispute resolution mediation session before we made our final enforcement decision. In a letter dated October 11, 2023, you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your October 11, 2023, response to the inspection report (ML23299A042), the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure, during radiographic operations, to use continuous direct surveillance to prevent unauthorized entry into a high radiation area that was accessible to a member of the public. The root cause of the violation was a misunderstanding among radiography personnel regarding the control of restricted areas defined by the NRC for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. The failure to control access to a high radiation could result in an unnecessary exposure that could exceed the 100 millirem annual limit to a member of the public. However, no known exposure occurred to a member of the public. 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 \$17,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. IRISNDT's corrective actions included: (1) stopped radiography work at the site and reviewed the violation with the radiographers involved with the violation and reviewed the violation with the other IRISNDT workers at the Marathon Detroit site; (2) discussed the violation with other radiation workers at NRC licensed locations; (3) discussed the violation at the IRISNDT company-wide monthly Radiation Safety Officer conference call; and (4) planned to discuss the violation at the 2023 annual radiation safety refresher training course to take place in December 2023. Based on the above corrective actions, *Corrective Action* credit is warranted.

Therefore, to encourage prompt comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, 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 will be achieved is already adequately addressed on the docket in Inspection Report No. 03038777/2023001(DRSS) and your October 11, 2023, letter. 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 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room and in 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 Security-Related 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, 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 information, 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 you choose to respond and Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,



Signed by Giessner, Jack
on 11/28/23

John B. Giessner
Regional Administrator

Docket No. 030-38777
License No. 13-32791-01

Enclosure: Notice of Violation

cc w/encl: Joshua Coons, Corporate Radiation
Safety Officer
State of Indiana
State of Michigan

Letter to K. Ledbetter from J. Giessner dated November 28, 2023.

SUBJECT: NOTICE OF VIOLATION; NRC ROUTINE INSPECTION REPORT
NO. 03038777/2023001(DRSS) – IRISNDT, INC.

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DATE	11/28/2023	11/6/2023	11/15/2023	11/16/2023	11/28/2023	11/28/2023

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NOTICE OF VIOLATION

IRISNDT, Inc.
Hammond, Indiana

Docket No. 030-38777
License No. 13-32791-01
EA-23-101

During an NRC inspection conducted on July 5, 2023, with continued in-office review through August 6, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR 20.1601(a) requires, with exceptions not applicable here, that the licensee ensure that each entrance to a high radiation area has one or more of the following features: (1) a control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep-dose equivalent of 0.1 rem in one hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates; (2) a control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or (3) entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

10 CFR 20.1601(b) provides that, in place of the controls required by 10 CFR 20.1601(a) for a high radiation area, a licensee may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

10 CFR 20.1003 states that *high radiation area* means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

Contrary to the above, on July 5, 2023, IRISNDT caused a high radiation area to be accessible to individuals that was not controlled by any of the methods described in 10 CFR 20.1601(a) or (b). Specifically, a high radiation area existed accessible to individuals along a portion of the access road with radiation levels in excess of 0.1 rem in one hour at several meters from a source of iridium-192.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.7.c.6).

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 will be achieved, is already adequately addressed on the docket in Inspection Report No. 03038777/2023001(DRSS) and your October 11, 2023, letter. However, you are required to submit a written statement or explanation pursuant to 10 CFR 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, (EA-23-101)" 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, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352 within 30 days of the date of the letter transmitting this Notice of Violation (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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

If you choose to respond, your response 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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or Security-Related Information so that it can be made available to the public 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 28th day of November 2023.