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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

February 16, 2016

EA-15-098

Mr. Shane McPherson, Radiation Safety Officer  
Desert NDT, LLC dba T&K Inspection and  
Midwest Inspection Services  
P.O. Box 2733  
Abilene, TX 79604

SUBJECT: WITHDRAWAL OF NOTICE OF VIOLATION - NRC INSPECTION  
REPORT 030-35475/2014-003

Dear Mr. McPherson:

The Nuclear Regulatory Commission (NRC) issued the subject inspection report and Notice of Violation (Notice) on March 20, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession ML15079A180). On April 2, 2015, you provided a response in which you contested the two violations described in the Notice (ML15127A397). Both the NRC's Notice and your April 2 letter contain Security-Related Information and are not publicly available. During a telephone call on June 8, 2015, between you and the inspector, Ms. Lizette Roldan-Otero, you provided additional clarifications to your letter, and on September 28, 2015, you provided additional information regarding the procedures related to the disputed violations.

As a result of our evaluation of all the available information, the NRC is withdrawing both violations contained in the Notice. The NRC's evaluation of your reply to the Notice is contained in the Enclosure.

The material enclosed herewith contains 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 from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If you choose to provide a response to this letter, 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).

The enclosure contains Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is DECONTROLLED.

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S. McPherson

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Should you have any questions regarding this letter, please contact Ms. Brooke Smith at 817-200-1456.

Sincerely,

/RA/

Marc L. Dapas  
Regional Administrator

Dockets: 030-35475; 030-38821  
Licenses: 33-27678-01; 42-35224-01

Enclosure:  
NRC Evaluation of Licensee Reply to  
Notice of Violation

cc w/encl.  
Terry L. O'Clair, Director  
Division of Air Quality  
North Dakota Department of Health  
918 East Divide Avenue, 2nd Floor  
Bismarck, ND 58501-1947

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