



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

May 9, 2018

EA-18-039

Larry R. Ewer, Radiation Safety Officer
ETI Ewer Testing & Inspection, Inc.
1131 South 22nd Street
P.O. Box 577
Bismarck, ND 58502

SUBJECT: NRC INSPECTION REPORT 150-00033/2018-001 AND NOTICE OF VIOLATION

Dear Mr. Ewer:

This letter refers to the unannounced inspection conducted on March 21, 2018, at a temporary jobsite near Wright, Wyoming. The inspection was an examination of activities conducted under your U.S. Nuclear Regulatory Commission (NRC) general license, which was granted under Title 10 of the *Code of Federal Regulations* (10 CFR) 150.20, "Recognition of Agreement State licenses," to ensure that activities were being performed in accordance with NRC rules and requirements and in a manner that ensured protection of public health and safety. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel.

ETI Ewer Testing & Inspection, Inc., was granted a general license, as noted above, to conduct the same activities authorized under its State of North Dakota license in areas of exclusive Federal jurisdiction during Calendar Year 2018 for a period not to exceed 180 days. The preliminary inspection findings were discussed with your staff at the conclusion of the onsite portion of the inspection on March 21, 2018. A final telephonic exit briefing was conducted with you on May 5, 2018.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved NRC security requirements, and is cited and described in the non-public Notice of Violation (Notice). This violation is being cited because it was identified by the NRC during the inspection.

**The Enclosure contains
Security-Related Information.
When separated from the
Enclosure, this letter is
DECONTROLLED**

L. Ewer

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. 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 (was) achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

If 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). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from 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 Enclosure contains Security-Related Information under 10 CFR 2.390(d)(1), and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the Enclosure to this letter will not be made available electronically for public inspection in the NRC Public Document Room or from ADAMS.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1455.

Sincerely,

/RA/

Michael C. Hay, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 150-00033
License: 10 CFR 150.20

Enclosure:
Notice of Violation (Notice)

cc w/enclosure:
Scott W. Ramsay, State of Wyoming

Terry L. O'Clair, State of North Dakota