



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

December 23, 2019

EA-19-131
EN 54285
NMED No. 190468 (Open)

Mr. Bruce Karie
Director of Radiation Safety
Acuren Inspection, Inc
4566 Abrahamson Road
Duluth, MN 55811

SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 03038913/2019004(DNMS) –
ACUREN INSPECTION, INC.; ADBA/WIT PIPELINE; ADBA/TEI; ADBA/ACUREN
PIPELINE; ADBA/LEHIGH TESTING LABORATORIES

Dear Mr. Karie:

On November 5, 2019, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a reactive inspection at your Billings, Montana, location. The purpose of the inspection was to review the circumstances surrounding an event you reported to the NRC on September 18, 2019, and to ensure that activities were being performed in accordance with NRC requirements. Mr. Robert Ruiz and Mr. Jason Draper of my staff conducted a preliminary exit meeting with you on November 5, 2019, and Mr. Draper conducted a final exit meeting with you via telephone on November 25, 2019, to discuss the inspection findings.

During this inspection, 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 inspection consisted of interviews with personnel and selected examination of procedures and representative records.

Based on the results of this inspection, 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 apparent violations are of a security-related nature. Details of the apparent violations, as well as the corrective actions you have planned or implemented to restore compliance with regulatory requirements, are discussed in the Enclosure to this letter.

The Enclosure contains Sensitive
Unclassified Non-Safeguards Information.
When separated from the Enclosure, this
transmittal letter is decontrolled.

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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. The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with you at the inspection exit meeting on November 25, 2019.

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 Robert Ruiz, Acting Branch Chief, at 630-829-9732 or Robert.Ruiz@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 NRC Inspection Report No. 03038913/2019004(DNMS); EA-19-131,” and should include, for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (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 violation. 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’s website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Please mark your entire response, “Security Related Information – Withhold from Public Disclosure under Title 10 of the *Code of Federal Regulations* (CFR) 2.390.” In accordance with 10 CFR 2.390(b)(ii), the NRC is waiving the affidavit requirements for your response to this letter. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information. 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, the conference 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 conference may include the following: information to determine whether a violation occurred, information to determine the significance of violations, information related to the identification of the violations, and information related to any corrective actions taken or planned to be taken. If a PEC is held, the NRC will issue a press release to announce the time and date of the conference. The PEC will be closed to public observation due to the security-related nature of the findings.

You may also request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal

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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-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 10 CFR 2.390 of the NRC's “Rules of Practice,” a copy of this letter 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, the Enclosure to this letter 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 Jason Draper of my staff if you have any questions regarding this inspection. Mr. Draper can be reached at 630-829-9839.

Sincerely,

/RA/

David L. Pelton, Director
Division of Nuclear Materials Safety

Docket No. 030-38913
License No. 22-27593-01

Enclosure:
IR No. 03038913/2019004(DNMS) (non-public)

cc w/encl: Jeremy Schreiner, Billings Site RSO
Chad Green, Division Manager,
Mountain Pacific

cc w/o encl: State of Minnesota
State of Montana

~~OFFICIAL USE ONLY – SECURITY RELATED INFORMATION~~

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Letter to Bruce Karie from David Pelton, dated December 23RD, 2019.

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OFFICE	RIII-DNMS	C	RIII-DNMS	C	RIII-EICS	C	RIII-DNMS	C
NAME	JDraper:ps		RRuiz		JCameron		DPelton	
DATE	12/12/2019		12/13/2019		12/18/2019		12/23/2019	

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