



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

March 3, 2020

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

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

SUBJECT: ACUREN INSPECTION, INC. - NOTICE OF VIOLATION AND PROPOSED
IMPOSITION OF CIVIL PENALTY - \$15,000; REACTIVE INSPECTION REPORT
03038913/2019004(DNMS)

Dear Mr. Karie:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on November 5, 2019, 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. During the inspection, apparent violations of NRC requirements were identified. The significance of the circumstances surrounding the apparent violations and the need for lasting and effective corrective actions were discussed with you during the exit meeting on November 25, 2019. Details of the apparent violations were provided in NRC Inspection Report No. 03038913/2019004(DNMS) (Non-Public), dated December 23, 2019.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations identified in the report by attending a predecisional enforcement conference, by providing a written response, or by participating in Alternative Dispute Resolution (ADR) before we made our final enforcement decision. In a letter dated January 8, 2020, you provided a written response to the apparent violations.

Based on the information developed during the inspection and the information that you provided in your written response to the inspection report, dated January 8, 2020, the NRC has determined that two security-related violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Enclosure 1) (Non-Public) and the circumstances surrounding them are 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 are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III Problem. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of

Enclosures 1 and 2 contain Sensitive
Unclassified Non-Safeguards Information.
When separated from Enclosures 1 and 2,
this transmittal document is decontrolled.

B. Karie

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\$15,000 is considered for a Severity Level III Problem. The NRC's Enforcement Policy can be found on its Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Because your facility has been the subject of escalated enforcement actions within the last two years,¹ 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 was not warranted for *Identification* because the violations were identified through an event involving a shipment of radioactive material. Credit was warranted for *Corrective Action* as described in your written response, dated January 8, 2020, and documented in Enclosure 2. Based on these corrective actions, the NRC has determined that *Corrective Action* credit is warranted.

Therefore, to emphasize the importance of promptly conducting an investigation when a shipment does not reach its intended destination in a timely manner, and in recognition of your previous escalated enforcement action, 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) (Non-Public) 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 also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

If you disagree with this enforcement sanction, you may deny the violations, as described in the Notice, or you may 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 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) Jamnes Cameron at 630-810-4373 within 10 days of the date of this letter. You may also contact both ICR and Mr. Cameron 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 penalty 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, or if contested, the basis for disputing the violations; (2) the corrective steps that have been taken and the results achieved; (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 Inspection Report No. 03038913/2019004 (DNMS), and your letter dated January 8, 2020. 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.

¹ A Severity Level III security-related violation was issued on April 30, 2018 (EA-18-015).

B. Karie

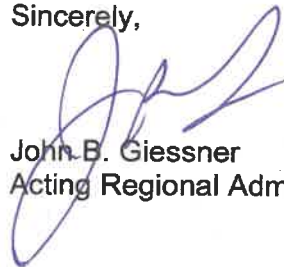
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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

However, enclosures 1 and 2 to this letter contain 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 enclosures 1 and 2 will not be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS. If you choose to respond and Security-Related Information is necessary to provide an acceptable response, please mark the top of each page of your entire response "Security-Related Information - Withhold under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

If you have any questions concerning this matter, please contact Jamnes Cameron of my staff at 630-810-4373.

Sincerely,



John B. Giessner
Acting Regional Administrator

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

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. Determination of Severity Level and Description of Corrective Actions
3. NUREG/BR-0254 Payment Methods (Licensee only)

cc:w/o enclosures: State of Minnesota

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

B. Karie

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Letter to Bruce Karie from John B. Giessner dated March 3, 2020

SUBJECT: ACUREN INSPECTION, INC. - NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$15,000; REACTIVE INSPECTION REPORT 03038913/2019004(DNMS)

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