



K2 Environmental LLC Voluntary Corrective Actions Letter

DATE: July 6, 2022, 2022

To: Mr. Blake D. Welling
Director
Division of Radiological Safety and Security,
U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

From: Mr. Kevin D. Kosko
President/Owner
K2 Environmental LLC.
120 North Market St.
Lisbon, Ohio 44432

Mr. Welling,

After careful review and consideration of your letter (EA-22-029) dated June 10, 2022, K2 Environmental LLC (K2) concurs with your agency's findings detailed in Enclosure 1. Specifically, K2 failed to file for reciprocity or receive a specific license from the NRC prior to performing work in NRC jurisdiction for work performed on July 20, 25, and August 18, 2018, and February 10, 28, and March 2, 2021. On these dates K2 performed waste characterization, waste processing, and waste brokerage services on behalf of a client in West Virginia, a non-Agreement State, without either receiving a general license for reciprocity with its State of Ohio radioactive materials license or receiving an equivalent specific license with the NRC.

K2 proposes the following voluntary corrective actions detailed below:

1. During the initial planning phase of work involving regulated radioactive material, K2 will identify the state or states where work will occur. K2 will apply for and be granted reciprocity from the applicable state regulatory body or the NRC prior to commencing work.
2. K2 will strictly adhere to the terms and conditions of the reciprocity agreement.
3. K2 operates in a niche' market where regulatory primacy and regulated work scope are not always easily defined. K2 will maintain a questioning attitude and seek written regulatory guidance from state and/or NRC authorities when doubt exists whether a specific work activity is regulated and if so, by whom.



While K2 takes responsibility for this infraction, there were several mitigating issues that we feel led to our misunderstanding of the regulations. Specifically:

1. The waste in question was removed from production tanks and placed into waste containers by others. All K2 isotopic analysis work (in-situ gamma spectroscopy) was performed on containerized waste, K2 personnel had little or no physical contact with the waste material.
2. By-product containing waste was never removed from the transport containers by K2 personnel. Waste stabilization work involved adding ~50 to 100 pounds of solidification media to the top of the containerized waste to eliminate small pockets of "free liquids". K2 did not recognize that this action would be considered "waste processing".
3. K2 sought and was granted registration by the non-agreement state's Department of Health and Human Resources (Registration #997505). The registration was granted after K2 submitted and (the regulatory agency reviewed) a detailed description of work, the radionuclides involved and K2 Standard Operating Procedures. The registration permitted K2 to perform radiological surveys, in-situ gamma spectroscopy, radioactive waste brokering, spill response, environmental remediation, point of generation radiological waste solidification and temporary storage of TENORM related waste (<90 days). Since state agencies typically have primacy over regulation of oil/gas production waste, K2 was under the misunderstanding that the state issued registration was sufficient to perform this scope of work.

Based on written clarifications and discussions with your staff, K2 fully understands the honest mistakes that we made, and I can personally assure you that it will never happen again.

Respectfully,

Kevin Kosko

Kevin Kosko
President/Owner
K2 Environmental LLC.