



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

July 19, 2023

Richard Elfrez  
ProFrac Services, LLC  
333 Shops Boulevard, Suite 301  
Willow Park, TX 76087

SUBJECT: PROFRAC SERVICES, LLC – NRC INSPECTION REPORT  
NO. 030-39319/2023-002 AND NOTICE OF VIOLATION

Dear Richard Elfrez:

This letter refers to the non-routine inspection conducted remotely from April 28, 2023, to July 6, 2023, concerning ProFrac Services, LLC's purchase of another U.S. Nuclear Regulatory Commission (NRC) licensee, U.S. Well Services, LLC. This inspection examined the facts and circumstances surrounding this purchase of U.S. Well Services, the movement of NRC-licensed radioactive material from U.S. Well Services between licenses and jurisdictions, the expired U.S. Well Services, LLC license, and the release of a licensed facility for unrestricted use prior to receiving the NRC's consent. Within these areas, the inspection consisted of selected examination of representative records and interviews with personnel both from ProFrac Services, LLC as well as personnel formerly employed by U.S. Well Services, LLC. A final telephonic exit briefing was conducted with you on July 6, 2023.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to seek and receive the NRC's consent, in writing, prior to transferring control of an NRC license, consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) 30.34(b)(1). The violation is being cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection.

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: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. 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.

To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact Jason VonEhr of my staff at (610) 337-5256 or via electronic mail at [Jason.VonEhr@nrc.gov](mailto:Jason.VonEhr@nrc.gov).

Sincerely,



Signed by Roldan-Otero, Lizette  
on 07/19/23

Lizette Roldán-Otero, PhD, Chief  
Materials Inspection Branch  
Division of Radiological Safety and Security

Docket No. 030-39319  
License No. 42-35684-01

Enclosure:  
Notice of Violation

cc w/ enclosure:

Lisa Bruedigan  
Radiation Section Director  
Consumer Protection Division  
Texas Department of State Health Services  
MC 1986, P.O. Box 149347  
Austin, TX 78714-9347

Tera Patton  
Director, Radiation, Toxics & Indoor Air Division  
Radiological Health Program  
Office of Environmental Health Services  
Radiation Toxics and Indoor Air Division  
350 Capitol Street, Room 313  
Charleston, WV 25301-3713

PROFRAC SERVICES, LLC – NRC INSPECTION REPORT NO. 030-39319/2023-002 AND NOTICE OF VIOLATION DATED JULY 19, 2023

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Document: NOV ProFrac Services

ADAMS ACCESSION NUMBER: **ML23200A116**

SUNSI Review:                      ADAMS:                       Non-Publicly Available and Sensitive  
By: JEV1                                       Yes  No                       Publicly Available and non-sensitive

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**OFFICAL RECORD COPY**

## NOTICE OF VIOLATION

ProFrac Services, LLC  
Willow Park, TX License No. 42-35684-01

Docket No. 030-39319

During an NRC inspection conducted remotely from April 28, 2023, through July 6, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b)(1) requires, in part, that no license issued or granted pursuant to the regulations in 10 CFR Part 30 nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, on November 1, 2022, the licensee received control of NRC License No. 47-35025-01 without first receiving the Commission's consent in writing. Specifically, on November 1, 2022, ProFrac Services, LLC, completed its purchase of U.S. Well Services, LLC, who possessed a license issued by the NRC under the regulations in 10 CFR Part 30 and the purchase of which constituted a change of control under 10 CFR 30.34(b)(1), without having first sought or received the NRC's written consent.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.7).

Pursuant to 10 CFR 2.201, ProFrac Services, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Director, Division of Radiological Safety and Security, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, and emailed to [Lizette.Roldan-Otero@nrc.gov](mailto:Lizette.Roldan-Otero@nrc.gov) within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; 030-39319/2023-002" and should include, for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (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 or will be achieved.

Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an order or a demand for information requiring you to explain why your license should not be modified, suspended, or revoked, or why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or

Enclosure

proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 19th day of July 2023