



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 22, 2019

EA-19-090

Mary South
President and CEO
APINDE Inc.
3244 Piedmont Rd.
Huntington, WV 25705

SUBJECT: ORDER SUSPENDING LICENSE – APINDE INC.

Dear Ms. South:

The enclosed Order Suspending License is being issued to you as a result of information the Nuclear Regulatory Commission (NRC) has identified through an ongoing review of licensed activities conducted by APINDE Inc. (APINDE). Specifically, the NRC has determined that in the initial license application, APINDE submitted inaccurate information about the qualifications of the individual proposed to be the Radiation Safety Officer (RSO). This resulted in the NRC issuing a license to APINDE that was based on inaccurate information, and in APINDE maintaining an industrial radiography license without a qualified RSO. Further, in a subsequent license amendment request to name a new RSO, APINDE again submitted inaccurate information. Moreover, the NRC has information indicating that APINDE used its NRC license to procure a sealed radiography source, and may have allowed unauthorized access to the source.

Consequently, I lack the requisite reasonable assurance that APINDE can conduct the activities authorized under License No. 47-35507-01 in compliance with the Commission's requirements and that the health and safety of the public, including the APINDE employees, will be protected. Therefore, License No. 47-35507-01 is suspended until the NRC obtains sufficient information to restore reasonable assurance that the Licensee is capable of providing complete and accurate information and safely conducting licensed activities. As stated in the enclosed Order, APINDE shall immediately cease all radiographic operations and return any byproduct material possessed under this license to locked, safe storage at APINDE's facilities. All other requirements of the License and applicable Commission requirements, including those in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 20 remain in effect. APINDE shall not receive any NRC-licensed material while this Order is in effect. All records related to licensed activities shall be maintained in their current form and must not be altered in any way.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this order may also subject the person to civil monetary penalty.

You are required to submit an answer within 20 days of the date of the Order and should follow the instructions specified in the enclosed Order when preparing your response. In accordance with 10 CFR, Section 2.390, of the NRC's "Rules of Practice," a copy of this letter, its enclosure,

and your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, security-related, or safeguards 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

If you have any questions related to this matter, please contact Anne DeFrancisco at 610-337-5078.

Sincerely,

/RA/

George A. Wilson, Director
Office of Enforcement

Docket No. 03039133
License No. 47-35507-01

Enclosure: As Stated

cc: State of West Virginia

SUBJECT: APINDE INC. – ORDER SUSPENDING LICENSE DATED: August 22, 2019

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* See previous concurrence page

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