



February 11, 2022

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555-0001  
[R4Enforcement@nrc.gov](mailto:R4Enforcement@nrc.gov)

Region IV  
1600 East Lamar Blvd.  
Arlington, TX 76011-4511

SUBJECT: Response to Apparent Violation in NRC Inspection Report 030-35371/2020-001; EA-21-100

This letter responds to the U.S. Nuclear Regulatory Commission (NRC) Choice Letter dated January 13, 2022 ("January 13 Choice Letter") and refers to the investigation completed on July 9, 2021, by NRC's Office of Investigation concerning license activities at the temporary jobsite of Kakivik Asset Management, LLC (Kakivik) on the North Slope of Alaska.

Per my e-mail communication to NRC staff on January 26, 2022, Kakivik has elected to respond in writing in lieu of requesting a predecisional enforcement conference.

In summary, we can confirm your understanding of the two apparent regulatory violations, and per the request in the January 13 Choice Letter, we can confirm that the corrective actions previously described to NRC staff have been or are being taken.

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Specifically, we can confirm your understanding that, on February 28, 2020, a certain radiographer's assistant (RA) employed by Kakivik failed to wear personnel monitoring equipment during radiographic operations, as required by Title 10 of the Code of Federal Regulations (10 CFR) 34.47(a), and the exposure of a direct reading dosimeter was not read or recorded at the start of a shift, in accordance with 10 CFR 34.37(b). You have characterized the circumstances surrounding those apparent violations in the Factual Summary enclosed in your January 13 Choice Letter, and we do not dispute your characterization.

We also confirm that Kakivik's Quality Coordinator identified these compliance failures, and we performed an investigation and took the following corrective actions designed to prevent recurrence:

- Kakivik terminated the employment of the Radiographer's Assistant on March, 3 2020.
- Kakivik suspended the Radiographer for one week without pay and retrained the Radiographer prior to returning to work. The suspension occurred in March, 2020 and the retraining occurred April, 2020.
- Kakivik required the Radiographer to conduct a research project on the violations and reported on that project to the Radiation Safety Supervisor as well as to peers during safety meetings. The project was completed in April, 2020 and the presentations were completed in April, 2020.
- Kakivik incorporated the incident and consequences in annual training materials communicated to all radiation safety program participants in January, 2020 and in January, 2021, and Kakivik expects to continue to include this training in future materials.
- Kakivik elevated the practice of peer checking (sometimes called "buddy check") from a suggested best practice to a requirement for all radiography crews. This requirement was communicated in annual

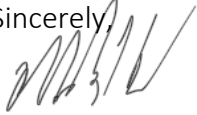
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training materials for radiation safety program participants in January, 2020 and in January, 2021, and it will be communicated again in future training.

We believe these corrective steps will prevent recurrence in the future, and we will continue to look for opportunities to improve compliance.

We were pleased with the indication of the January 13 Choice Letter that a civil penalty is not warranted. Per the letter's instruction, with our confirmation of the foregoing corrective steps, we hope you can make a final decision without any civil penalty.

Sincerely,

A handwritten signature in black ink, appearing to read 'MHaley', written over the word 'Sincerely,'.

Mike Haley

Docket No. 030-35371  
License No. 50-27667-01

Enclosures:  
Kakivik Choice Letter and Narrative Report ML22013B223

cc:  
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