



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

January 5, 2010

Buckskin Mining Company
Mr. Brady West, Mine Manager
P.O. Box 3027
9543 North Highway 14-16
Gillette, Wyoming 82717

SUBJECT: NRC INSPECTION REPORT 030-36659/09-01 AND NOTICE OF VIOLATION

Dear Mr. West:

This refers to the inspection conducted on December 2, 2009, at your facility in Gillette, Wyoming. The inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of selected examination of procedures and representative records and interviews with personnel. Preliminary inspection findings were discussed with your site Radiation Safety Officer, Mr. Wade Burr, at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you telephonically on December 22, 2009.

Based on the results of this inspection, the NRC has determined that three violations of NRC requirements occurred. These violations were reviewed and evaluated in accordance with the NRC's Enforcement Policy, which is included on the NRC's public web site, located at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.htm. The violations identified during the inspection are cited in the enclosed Notice of Violation (Notice). These violations involved the failures to: (1) conduct annual audits; (2) perform a public dose determination, and (3) perform an occupational dose evaluation or otherwise provide dosimetry. These violations are being cited in the Notice because they were identified by the NRC, rather than being self-identified by the licensee.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Buckskin Mining Company

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Should you have any questions concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

/RA/ by ATGaines for

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-36659
License: 49-27786-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

cc w/Enclosure 1:
Scott W. Ramsey
Radiological Services Supervisor
Wyoming Office of Homeland Security
2421 E. 7th Street
Cheyenne, WY 82001

bcc w/Enclosure 1 via e-mail:

- E. Collins, RA
- A. Howell, D:DNMS
- C. Cain, DD:DNMS
- J. Whitten, C:NMSB-B
- R4DNMS_MS-A
- M. Herrera, Fee Coordinator

Hard copy w/Enclosure 1:
 RIV Materials Docket File (5th Floor)

R:_DNMS\!2009\Bucksin Mining Company 09-01.doc

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ADAMS		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: LD
<input checked="" type="checkbox"/> Publicly Available		<input type="checkbox"/> Nonpublicly Available		<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Nonsensitive
RIV:DNMS:NMSB-A		C:NMSB-A		C:NMSB-B	
LDonovan;dlf		VHCampbell			
<i>/RA/</i>		<i>ADGains for</i>			
12/15/09		1/5/10			

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax

NOTICE OF VIOLATION

Buckskin Mining Company
Gillette, Wyoming

Docket: 030-36659
License: 49-27786-01

During an NRC inspection conducted on December 2, 2009, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 25 of NRC Materials License 49-27786-01, Amendment 02, states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures in the application dated August 26, 2004.

Item 10: "Radiation Safety Program- Occupational Dosimetry," of the application states, in part, that the licensee will provide a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20 or provide dosimetry that meets the criteria in the section entitled "Radiation Safety Program – Occupational Dosimetry" in NUREG 1556 Volume 4, dated August 1998.

Contrary to the above, the licensee had not provided individual monitoring devices to personnel nor had they performed a prospective evaluation to demonstrate that workers were not likely to exceed 10 percent of the applicable annual limits.

This is a Severity Level IV violation. (Supplement IV)

- B. 10 CFR 20.1301(a)(1) requires, in part, that licensees shall conduct operations so that the total dose equivalent to individual members of the public from the licensed operations does not exceed 0.1 rem (1 mSv) in a year.

10 CFR 20.1302(b)(1) requires that the licensee shall show compliance with the annual dose limit in 10 CFR 20.1301 by demonstrating by measurement or calculation that the total dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit.

Contrary to the above, the licensee failed to demonstrate compliance by measurement or calculation that the total dose equivalent to the individual likely to receive the highest dose from the licensee's operation did not exceed the annual dose limit. Specifically, the licensee failed to perform an assessment of the total dose equivalent to individual members of the public in the silo building where licensed operations are performed.

This is a Severity Level IV violation. (Supplement IV)

- C. 10 CFR 20.1101(c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee failed to periodically review its radiation protection program content and implementation at least annually. Specifically, annual reviews of the licensee's radiation protection program were not conducted from 2005 to 2009.

This is a Severity Level IV violation. (Supplement IV)

Pursuant to the provisions of 10 CFR 2.201, Buckskin Mining Company 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 Regional Administrator, Region IV, 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" 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 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, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC's Web site at www.nrc.gov/reading-rm/pdr.html or www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy, proprietary, 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, 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 5th day of January 2010