



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

April 16, 2010

Sinclair Wyoming Refining Company
Mr. Mike Bellinger
Refinery Manager
100 East Lincoln Highway
Sinclair, Wyoming 82334

SUBJECT: NRC INSPECTION REPORT 030-37426/10-01 AND NOTICE OF VIOLATION

Dear Mr. Bellinger:

This refers to the inspection conducted on January 20, 2010, with in office review until March 9, 2010, at your facility in Sinclair, 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, Ms. Mandi Safford, at the conclusion of the onsite portion of the inspection. An exit briefing was conducted with you telephonically on March 9, 2010, and a final exit briefing was conducted with Ms. Safford on April 15, 2010.

Based on the results of this inspection, the NRC has determined that four violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site 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 perform: (1) an occupational dose evaluation; (2) a public dose determination, (3) radioactive material inventories, and (4) shutter checks. 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, an excerpt from 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.

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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/

Vivian Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-37426
License: 49-29255-01

Enclosures:

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

cc w/Enclosure 1:

Scott W. Ramsey
Radiological Services Supervisor
State of Wyoming, Office of Homeland Security
2421 E. 7th Street
Cheyenne, WY 82001

bcc w/Enclosure 1 (via ADAMS distrib):

ECollins

AHowell

CLCain

VCampbell

JEWhitten

LDonovan

RITS Coordinator

NMSB-A

RIV Materials Docket File (5th Floor)

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final:

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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"/> Non-publicly Available	<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Non-sensitive	
Category – KEYWORD:				
RIV:DNMS:NMSB-A	C:NMSB-A			
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03/30/2010	04/15/2010			

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NOTICE OF VIOLATION

Sinclair Wyoming Refining Company
Sinclair Wyoming

Docket No: 030-37426
License No: 49-29255-01

During an NRC inspection conducted January 20, 2010-March 9, 2010, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below::

1. License Condition 25 of NRC Materials License 49-29255-01, Amendment 2, states, in part that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the document, including any enclosures in the application dated February 28, 2007.

Condition 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 20 or will 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 its workers are not likely to exceed 10 percent of the applicable annual limits.

This is a Severity Level IV violation (Supplement IV)

2. 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 Frac tower where licensed operations are performed.

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

3. License Condition 15 of NRC Materials License 49-29255-01, Amendment 2, requires, in part, that "the licensee shall conduct a physical inventory every 6

ENCLOSURE

months to account for all sealed sources and/or devices received and possessed under the license.”

Contrary to the above, the license was not able to provide inventory records for May and November 2008, nor May and November 2009.

This is a Severity Level IV violation (Supplement IV)

4. License Condition 16 of NRC Material License 49-29255-01, Amendment 2, requires, in part, that “Each gauge shall be tested for proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months”.

Contrary to the above, the licensee was not able to provide shutter test records for November 2008 or November 2009.

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

Pursuant to the provisions of 10 CFR 2.201, Sinclair Wyoming Refining 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, United States 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 [NOTE: For NOVs to be issued to gaseous diffusion plants or any other facility likely to hold classified material, insert: "classified,"], 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 two working days.

Dated this 16th day of April 2010