



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

November 10, 2015

Mr. Sam Neal
Facility Manager
Cargill, Inc.
1100 Indianapolis Blvd.
Hammond, IN 46320-1094

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 03033973/2015001(DNMS) AND
NOTICE OF VIOLATION – CARGILL, INC.

Dear Mr. Neal:

On September 30, 2015, through November 3, 2015, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an in-office review of activities performed at your facility in Hammond, Indiana. The purpose of the in-office review was to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of your company's letter dated September 3, 2015, requesting a change in your radiation safety officer (RSO) at your Hammond facility. Mr. Geoffrey Warren of my staff conducted a final exit meeting by telephone with Mr. James Tuinstra of your staff on November 4, 2015 to discuss the findings of this review.

During this review, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the NRC's review consisted of review of selected documents and interviews with selected personnel.

Based on the results of this review, the NRC determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure since June 17, 2015, to have the named individual, specifically authorized by the license, fulfilling the duties and responsibilities as Radiation Safety Officer (RSO). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified it.

The inspector determined that the root cause of the violation was an oversight by the licensee. As corrective actions to restore compliance, the licensee submitted an amendment request dated September 3, 2015, received by the NRC on September 15, 2015, requesting that the acting RSO be named as the RSO on the license. Because the acting RSO has been previously authorized as the RSO on the license, he appears to meet the NRC's requirements to be named as such on the license. To prevent future recurrence, the licensee is now aware of the need for timely communication to the NRC indicating a change in RSO.

S. Neal

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The NRC has concluded that 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 achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with Title 10 of the *Code of Federal Regulations* (CFR) Section 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 publicly available without redaction.

Please feel free to contact Mr. Warren of my staff if you have any questions regarding this correspondence. Mr. Warren can be reached at 630-829-9742.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-33973
License No. 13-06932-03

Enclosure:
Notice of Violation

cc w/encl: James Tuinstra, Acting Radiation
Safety Officer
State of Indiana

S. Neal

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The NRC has concluded that 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 achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-33973
License No. 13-06932-03

Enclosure: Notice of Violation

cc w/encl: James Tuinstra, Acting Radiation
Safety Officer
State of Indiana

DISTRIBUTION:
Darrell Roberts
John Giessner
Julio Lara

Richard Skokowski
Carole Ariano
Paul Pelke
Carmen Olteanu

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MIB Inspectors

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OFFICE	RIII-DNMS		RIII-EICS		RIII-DNMS		RIII	
NAME	GMWarren:ps		PRPelke		ATMcCraw			
DATE	11/10/2015		11/10/15		11/10/15			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Cargill, Inc.
Hammond, Indiana

License No. 13-06932-03
Docket No. 030-33973

During a U.S. Nuclear Regulatory Commission (NRC) review of licensed activities conducted on September 30, 2015, through November 3, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 12 of NRC License No. 13-06932-03, Amendment No. 9, authorizes a specifically named individual to fulfill the duties of the Radiation Safety Officer (RSO) for the license.

Contrary to the above, since June 17, 2015, the named individual, specifically authorized by Condition 12 of the license to fulfill the duties and responsibilities as RSO, was no longer employed by the licensee and did not fulfill the duties and responsibilities of the RSO. Specifically, the RSO had left the employ of the licensee on June 17, 2015; since that time, the licensee had not notified the NRC nor submitted an amendment request to name the new individual who was performing the duties and responsibilities of the RSO, and who was determined by the NRC to be technically qualified, on the license.

This is a Severity Level IV violation (Section 6.3).

The NRC has concluded that 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 was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation. However, you are required to submit a written statement or explanation pursuant to Title 10 of the *Code of Federal Regulations* (CFR) 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, NRC Inspection Report No. 03033973/2015001(DNMS)" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

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.

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

Dated this 10th day of November, 2015.

Enclosure