



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

January 11, 2017

Ms. Hilary Huckfeldt
Environmental Specialist
Ciner Wyoming, LLC
P.O. Box 513
254 Country Rd 4-6
Green River, WY 82935

SUBJECT: NRC INSPECTION REPORT 030-06803/2016-001 AND NOTICE OF VIOLATION - CINER WYOMING, LLC

Dear Ms. Huckfeldt:

This refers to the routine, unannounced inspection conducted by the U.S. Nuclear Regulatory Commission (NRC) on September 15, 2016, at your facility located near Green River, Wyoming. The inspection was held open until October 13, 2016, to allow for your organization to determine if additional records were available from the previous Radiation Safety Officer that addressed the preliminary inspection findings. On October 13, 2016, you indicated to the inspector that no additional records were located. This inspection examined activities conducted under your license as they relate to public health and safety and security, and to confirm 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 you and Mr. Scott Leffers at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you on January 5, 2017.

Based on the results of this inspection, the NRC has determined that three violations of NRC requirements occurred. These violations involved the failure to (1) perform shutter operability checks on the fixed gauges every six months; (2) modify your license to change the Radiation Safety Officer and (3) periodically (at least annually) review the radiation protection program. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in the subject Notice. The violations are being cited in the Notice because they were identified by the NRC during the routine inspection.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in an email dated September 29, 2016 (ML17004A174). Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position.

H. Huckfeldt

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In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 Public Document Room or from the NRC's Agencywide Documents Access and Management 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.

Should you have any questions concerning this inspection, please contact Ms. Marti Poston-Brown at (817) 200-1181 or the undersigned at (817) 200-1191.

Sincerely,

/RA/

Ray L. Kellar, P.E. Chief
Nuclear Materials Safety Branch A
Division of Nuclear Materials Safety

Docket No: 030-06803
License No: 49-11578-01

Enclosures: Notice of Violation

cc w/enclosure:
Wyoming Radiation Control Program Director

NOTICE OF VIOLATION

Ciner Wyoming, LLC
Green River, Wyoming

Docket No: 030-06803
License No: 49-11578-01

During an NRC inspection conducted on September 15, 2016, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

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

Contrary to the above, from 2013 to 2015, the licensee did not periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee failed to perform annual radiation protection program audits for calendar years, 2013, 2014 and 2015.

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

- B. License Condition 16.A of Radioactive Material License 49-11578-01, Amendment 26, issued February 22, 2016, 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 failed to test each gauge for proper operation of the on-off mechanism (shutter) and indicator, if any at intervals not to exceed six months. Specifically, from November 2010 to October 2016, the licensee conducted maintenance checks of the gauges every six months, however, the shutter was not tested. An interview with the maintenance technician responsible for these reviews revealed that the maintenance technician does not have access to the shutter key to unlock the shutter and manipulate the shutter to verify operability.

This is a Severity Level IV violation (Supplement 6.3.1)

- C. License condition 12 identifies the Radiation Safety Officer for Radioactive Material License 49-11578-01 Amendment 26 issued February 22, 2016.

Contrary to the above, as of April 2016, the licensee conducted operations without a Radiation Safety Officer (RSO). Specifically, the RSO identified in LC 12 of the radioactive material license retired from the company in April of 2016. At the time of inspection, five months later, the licensee had not appointed an RSO nor submitted a request to change their RSO to the NRC.

This is a Severity Level IV violation (Supplement 6.3.d.8).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken to correct the violation and prevent recurrence, and the date when full compliance will be achieved is adequately addressed on the docket in email dated September 29, 2016 (ML17004A174). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective

Attachment

actions or your position. In that case, or if you choose to respond, clearly mark your response as "Reply to a Notice of Violation", 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 IV within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

If you choose to respond, 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 Web site at www.nrc.gov/reading-rm/pdr.html or www.nrc.gov/reading-rm/adams.html. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction."

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

Dated this 11 day of January 2016

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 Public Document Room or from the NRC's Agencywide Documents Access and Management 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.

Should you have any questions concerning this inspection, please contact Ms. Marti Poston-Brown at (817) 200-1181 or the undersigned at (817) 200-1191.

Sincerely,

/RA/

Ray L. Kellar, P.E. Chief
 Nuclear Materials Safety Branch A
 Division of Nuclear Materials Safety

Docket No: 030-06083
 License No: 49-11578-01

Enclosures: Notice of Violation

cc w/enclosure:
 Wyoming Radiation Control Program Director

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ADAMS ACCESSION NUMBER: ML17004A127

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