



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

April 18, 2017

Mr. James Weldy, RSO
Trinseo, LLC
1604 Building
South of the Intersection of Washington Street
and E Lyon Road
Midland, MI 48674

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03038314/2017001(DNMS) AND
NOTICE OF VIOLATION – TRINSEO, LLC**

Dear Mr. Weldy:

On March 20, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Midland, Michigan, with continued in-office review through April 4, 2017. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of additional information that was not available during the onsite portion of the inspection. Mr. Luis Nieves of my staff conducted a final exit meeting by telephone with you on April 4, 2017 to discuss the inspection findings.

During this inspection, 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 inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were 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 violations concerned the licensee's failure to (1) perform physical inventories every 6 months, as required by License Condition (LC) 15 of your NRC license and (2) perform shutter checks every 6 months, as required by LC 16.A of your NRC license. The violations are cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The NRC is citing the violations in the enclosed Notice because the inspector identified them.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC's website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. 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 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, 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. Nieves if you have any questions regarding this inspection. Mr. Nieves can be reached at 630-829-9571.

Sincerely,

/RA/

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

Docket No. 030-38314
License No. 21-32800-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to James Weldy from Aaron McCraw dated April 18, 2017

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03038314/2017001(DNMS) AND
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OFFICE	RIII-DNMS		RIII-DNMS		RIII		RIII	
NAME	LNieves:ps		AMcCraw					
DATE	4/18/2017		4/18/2017					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Trinseo, LLC
Midland, Michigan

License No. 21-32800-01
Docket No. 030-38314

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 20, 2017, through April 4, 2017, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 15 of NRC Materials License 21-32800-01 states that the license shall conduct a physical inventory every 6 months.

Contrary to the above, from September 2, 2011, to March 20, 2017, the licensee failed to conduct a physical inventory every 6 months. Specifically, the license conducted their inventory annually, thereby exceeding the 6-month interval stipulated by their license.

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

- B. Condition 16.A of NRC Materials License 21-32800-01 states that the license shall test for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months.

Contrary to the above, from September 2, 2011 to March 20, 2017, the licensee failed to test for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months. Specifically the license conducted their on-off mechanism tests annually, thereby exceeding the 6-month interval stipulated by their license.

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

Pursuant to the provisions of Title 10 of the *Code of Federal Regulations* (CFR) 2.201, Trinseo, LLC 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 III, 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: (1) the reason for the violation, or, if contested, the basis for disputing the violation or its 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 was or will be achieved. Your response may reference or include previously 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.

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.

Enclosure

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 18th day of April, 2017.