



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

July 10, 2019

Mr. Justin A. Runyan, Radiation
Safety Officer
Hermes Consolidated, LLC
dba Wyoming Refining Company
10 Stampede Street
Newcastle, WY 82701

SUBJECT: NRC ROUTINE INSPECTION 030-33664/2019-001 AND NOTICE OF
VIOLATION

Dear Mr. Runyan:

This letter refers to the routine, unannounced inspection conducted on April 29, 2019, at your facility in Newcastle, Wyoming. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of licensed activities, and interviews with personnel. On April 29, 2019, at the conclusion of the onsite portion of the inspection, the inspector discussed the preliminary inspection findings with you. A final exit briefing was conducted telephonically with you on June 28, 2019.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements has occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to obtain the NRC's written consent prior to a change of control associated with NRC License 49-27501-01. The violation is being cited in the enclosed Notice of Violation (Notice) because the NRC identified the violation during the inspection.

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 helpful. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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, 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 NRC Web site at

<http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Allyce B. Bolger at 817-200-1197 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Patricia A. Silva, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-33664
License: 49-27501-01

Enclosure:
Notice of Violation

cc:
Doug Gumm, Director
Wyoming Radiation Control Program

NRC ROUTINE INSPECTION REPORT 030-33664/2019-001 AND NOTICE OF VIOLATION
DATED July 10, 2019**DISTRIBUTION**

M. Shaffer, DRA:RIV

L. Howell, D:DNMS

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ADAMS ACCESSION NUMBER: **ML19193A147**☒ SUNSI Review:

ADAMS:

☐ Non-Publicly Available☒ Non-Sensitive

Keyword:

By: ABB

☒ Yes ☐ No☒ Publicly Available☐ Sensitive

OFFICE	HP:MIB	C:MIB				
NAME	ABBolger	PASilva				
SIGNATURE	/RA/	/RA/				
DATE	6/28/19	7/10/19				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Hermes Consolidated, LLC
dba Wyoming Refining Company
Newcastle, WY

Docket No.: 030-33664
License No.: 49-27501-01

During an NRC inspection conducted on April 29, 2019, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b) requires, in part, that no license issued or granted pursuant to the regulations shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, on July 14, 2016, the licensee failed to receive the Commission's consent in writing prior to completing a transfer of control of NRC License 49-27501-01. Specifically, Par Pacific Holdings, Inc., acquired Hermes Consolidated, LLC, which constituted a change of control under 10 CFR 30.34(b), without receiving prior NRC approval and consent in writing.

This is a Severity Level IV violation (Section 6.3.d.7)

Pursuant to the provisions of 10 CFR 2.201, Hermes Consolidated, LLC dba 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: (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 requiring information 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.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To

Enclosure

the extent possible, your response should not include any personal privacy or proprietary 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).

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 July 2019