ADAMS Accession no. ML21314A542

NRC FORM 591M PART 1
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Westmoreland Rosebud Mining, LLC 114 Rosebud Lane, Area D Tipple Colstrip, Montana REPORT NO.: 2021-001	U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd Arlington, Texas 76011-4511

3. DOCKET NUMBER	4. LICENSE NUMBER	5. DATE OF INSPECTION
030-38041	25-29348-01	September 13, 2021

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

___ 1. Based on the inspection findings, no violations were identified.

___ 2. Previous violations closed.

___ 3. The violations, specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy to exercise discretion, were satisfied.

___ Non-Cited Violation was/were discussed involving the following requirement(s) and Corrective Action(s):

X 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

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

Contrary to the above, from 2016 to 2020, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, annual audits were not performed and documented.

The licensee corrected this by performing an annual audit. To prevent recurrence, the licensee put reminders in a calendar that will prompt performing the required audits for possessing radioactive materials.

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

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Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	Nora J. Buchholz, RSO	Nora J Buchholz	10/14/2021
NRC INSPECTOR	Jason Dykert	Jason C. Dykert	Digitally signed by Jason C. Dykert Date: 2021.10.12 16:05:16 -07'00'
BRANCH CHIEF	Lizette Roldan-Otero	Lizette Roldan-Otero	Digitally signed by Lizette Roldan-Otero Date: 2021.10.21 04:48:16 -05'00'

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CONTINUED FROM PART 1

License Condition 13 A requires, in part, that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months, or at intervals specified by the sealed source certificate of registration.

Contrary to the above, in 2019, the sealed sources in the Thermo Gamma Metrics, Model CBX cross-belt elemental analyzer were not tested for leakage and/or contamination at 6-month intervals, as specified by it's certificate of registration.

The licensee corrected this by ensuring the CBX cross-belt elemental analyzer was tested for leakage and/or contamination every 6 months in 2020 and 2021. To prevent recurrence, the licensee has established a scheduled leak test to be performed every 6 months.

This is a Severity Level IV violation (Enforcement Policy Section 6.7.d.4)

From: Dykert, Jason
To: Buchholz, Nora
Subject: NRC Inspection report - please sign and return
Date: Tuesday, October 12, 2021 4:08:00 PM
Attachments: Westmoreland, 591M, 2021-001.pdf.pdf

Hi Nora,

As we discussed, I have attached the inspection report identifying a violation for failing to perform annual audits, and a violation for failing to leak test the CBX analyzer in 2019. Please verify that the corrective actions listed are correct, sign and date the report, and email it back to me. The next NRC inspector onsite will follow up to make sure the audits are completed annually and leak tests are done correctly. If you have any questions or issues, please give me a call to discuss.

Thank you,

Jason Dykert
Health Physicist
Division of Nuclear Materials Safety
US NRC Region IV

Phone: 817-200-1427