



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

December 16, 2021

Chrystal Sheaff, Ph.D., Laboratory Director
Energy Laboratories, Inc.
2393 Salt Creek Highway
Casper, WY 82601

SUBJECT: NRC INSPECTION REPORT 030-29502/2021-001; AND NOTICE OF VIOLATION

Dear Dr. Sheaff:

This letter refers to the announced routine inspection conducted on August 16, 2021, at your facility in Casper, Wyoming, with continued in-office review through December 13, 2021. 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, observation of licensed activities, independent radiation measurements, and interviews with personnel. The inspector discussed the preliminary inspection findings with Ms. Dee Fairservis, Radiation Safety Officer, and you at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted via video teleconference with Ms. Fairservis, Mr. Manford Hurley, Radiochemistry Supervisor, and you on December 13, 2021.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy which can be found at the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection. The violation involved the preparation, consumption, and storage of food and drink in a work area that was used for radiological analysis.

During the inspection, the NRC also reviewed the corrective actions taken to address one violation identified during the NRC routine inspection conducted at your facility in Casper, Wyoming, in March 2016. A limited scope inspection that was performed in September 2018 reviewed your corrective actions to address the violation, but the Inspection Report did not close the violation. The current inspection reviewed your continued implementation of the corrective actions taken to prevent recurrence and determined that compliance was restored and maintained. The violation is considered closed.

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 in preparing your response. You can find the Information Notice on the NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. 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 (was) achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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. If personal privacy or proprietary information is necessary to provide an acceptable response, 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 information, 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 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 ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Dr. Janine F. Katanic, CHP, at (817) 200-1151, or the undersigned at (817) 200-1455.

Sincerely,



Signed by Roldan-Otero, Lizette
on 12/16/21

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

License No. 49-26846-01
Docket No. 030-29502

Enclosure:
Notice of Violation (Notice)

cc w/Enclosure:
Dan Fonseca
Radiological Program Manager
Wyoming Office of Homeland Security
5500 Bishop Blvd.
Cheyenne, WY 82002

David Adams, CHP
Uranium Recovery Program Manager
Wyoming Dept. of Environmental Quality
Land Quality Division
200 West 17th Street, Suite 10
Cheyenne, WY 82002

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DECEMBER 16, 2021

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ADAMS ACCESSION NUMBER: **ML21349B331**

SUNSI Review: ADAMS: Non-Publicly Available and Sensitive
By: JFK Yes No Publicly Available and non-sensitive

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NAME	JFKatanic	LRoldanOtero			
SIGNATURE	/RA/	LRO			
DATE	12/13/2021	12/16/2021			

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NOTICE OF VIOLATION

Energy Laboratories, Inc.
Casper, WY

Docket No. 030-29502
License No. 49-26846-01

During an NRC inspection conducted on August 16, 2021, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1101(a) requires, in part, that each licensee shall develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of 10 CFR Part 20.

Energy Laboratories, Inc., Radiation Safety Manual, Revision 02.04.2021, Section "As Low as Reasonably Achievable Philosophy," Subsection b. "Internal Exposure Protection," Item 3. "Ingestion," states, in part, to never introduce food or drink into work areas, that areas for food storage are clearly identified using yellow tape, and that all areas where food and drink is stored or consumed should be posted or labeled.

Contrary to the above, on August 16, 2021, the licensee failed to implement its radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of 10 CFR Part 20. Specifically, the licensee failed to implement its Radiation Safety Manual Revision 02.04.2021, Section "As Low as Reasonably Achievable Philosophy," Subsection b. "Internal Exposure Protection," Item 3. "Ingestion." The licensee introduced food and drink into a work area that was not clearly designated for food storage using yellow tape, and the work area was not posted or labeled to allow for the storage or consumption of food and drink. Food and drink were observed to be prepared, consumed, and stored in the Radiation Counting Room, a work area where hundreds of samples were being handled, stored, and analyzed for radioactive materials and radioactive isotopes.

This is a Severity Level IV violation (NRC Enforcement Policy, Section 6.3.d.3).

Pursuant to 10 CFR 2.201, Energy Laboratories, Inc., 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 Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, and emailed to Lizette.Roldan-Otero@nrc.gov 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 was or 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, the NRC may issue an order or a demand for information requiring you to explain why your license should not be modified, suspended, or revoked, or why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown.

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, 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 website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the 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 2 working days of receipt.

Dated this 16th day of December 2021