



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

June 27, 2022

Mr. Guray Eken
Plant Manager
Ciner Wyoming LLC
P.O. Box 513
254 County Road 4-6
Green River, Wyoming 82935

SUBJECT: NRC INSPECTION REPORT NO. 030-06803/2022-001; AND NOTICE OF VIOLATION

Dear Mr. Eken:

This letter refers to the unannounced routine inspection conducted on May 3, 2022, at your facility in Green River, 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, observation of licensed activities, independent radiation measurements, and interviews with personnel. The inspection was held open until May 20, 2022, to allow your staff time to determine if additional records were available; at which time, your staff indicated that additional records were not available. A final exit briefing was conducted with your radiation safety officer, Jeremiah Rawson, and yourself, through video conference, on May 31, 2022.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy, which is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations involved the failures to: (1) review the radiation protection program in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20; and (2) perform and/or keep records of leak tests of certain sealed sources. These violations are being cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection.

During the inspection, the NRC also reviewed the corrective actions taken to address three violations identified during the NRC routine inspection conducted at your facility at Green River, Wyoming, on September 15, 2016. Your associated corrective actions were reviewed and found to be adequate for two of the three violations: (1) perform shutter operability checks on the fixed gauges every 6 months, and (2) modify your license to change the Radiation Safety Officer. These violations are now considered closed. The third violation, review of the radiation protection program, was not 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 useful in preparing your response. You can find the Information Notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations 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.

In accordance with the NRC's "Rules of Practice" in 10 CFR 2.390, 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.

Should you have any questions regarding the letter or the enclosed Notice, please contact James Thompson at 817-200-1538, or the undersigned at 817-200-1455.

Sincerely,



Signed by Roldán-Otero, Lizette
on 06/27/22

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Radiological Safety and Security

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

Enclosure:
Notice of Violation (Notice)

cc w/Enclosure:
Brandi O'Brien
Program Manager
Wyoming Department of Environmental Quality
Land Quality Division
Brandi.OBrien@wyo.gov

SUBJECT: NRC INSPECTION REPORT NO. 030-06803/2022-001 AND NOTICE OF VIOLATION DATED JUNE 27,2022

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ADAMS ACCESSION NUMBER: **ML22178A184**

☒ SUNSI Review: ADAMS: ☐ Non-Publicly Available and Sensitive
By: JLT ☒ Yes ☐ No ☒ Publicly Available and non-sensitive

OFFICE	HP:MIB	SHP:MIB	C:MIB			
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DATE	6/22/2022	6/22/2022	6/27/2022			

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NOTICE OF VIOLATION

Ciner Wyoming LLC
Green River, Wyoming

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

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 3, 2022, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(a) requires 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.

Contrary to the above, from July 26, 2018, to the date of the inspection on May 3, 2022, the licensee failed to 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. Specifically, the licensee's radiation safety officer (RSO) began performing the functions of the RSO on July 26, 2018, but was never provided electronic access to the individual work orders that are used to document whether leak tests and shutter checks were actually being performed as requested; this led, in part, to the failure of the licensee to demonstrate that leak tests had actually been performed as requested in the work orders. Subsequently, the licensee's radiation protection program was not sufficient to ensure compliance with the provisions of leak testing of sealed sources at the required intervals, and was not sufficient to allow the appropriate oversight of the radiation protection program by the RSO.

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

- B. Condition 13.A of NRC License 49-11578-01, Amendment 28, issued July 26, 2018, requires that sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

Condition 13.H of NRC License 49-11578-01, Amendment 28, issued July 26, 2018, requires, in part, that records of leak test results shall be maintained for 3 years.

Contrary to the above, as of May 3, 2022, the licensee failed to test each sealed source and detector cell for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State, and to maintain the leak test results for 3 years. Specifically, from the date of the previous inspection on September 15, 2016, to the date of this inspection on May 3, 2022, the licensee failed to demonstrate that each sealed source was leak tested at the required interval; the certificate of registration for these particular fixed nuclear gauges

Enclosure

documents the leak test interval to be 36 months. There were no records available to demonstrate that the following fixed nuclear gauge sealed sources had been leak tested at 36-month intervals: Serial Numbers FN778, FN782, FN898, FN899, and FR285.

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

Pursuant to the provisions of 10 CFR 2.201, Ciner Wyoming 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 Director, Division of Radiological Safety and Security, 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; in NRC Inspection Report 030-06803/2022-001" and should include, for each violation: (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 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.

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.

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 27th day of June 2022