



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

August 29, 2024

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

SUBJECT: HERMES CONSOLIDATED, LLC - NRC INSPECTION REPORT 030-33664/2024-001 AND NOTICE OF VIOLATION

Dear Justin Runyan:

This letter refers to the unannounced routine inspection performed on May 21, 2024, at your facility in Newcastle, Wyoming. The inspection was conducted to examine activities conducted under your license as they relate to public health and safety and to confirm compliance with the U.S. Nuclear Regulatory Commission (NRC) rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of an examination of selected procedures and representative records, observation of licensed activities, independent radiation measurements, and interviews with personnel. A final exit meeting was held with you telephonically on August 15, 2024.

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 on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to test sealed sources for leakage or contamination at the required intervals. The violation is being cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC 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 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 "Rules of Practice and Procedure," a copy of this cover letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's 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 Kyle Bischoff of my staff at (817) 200-1259 or by email at [Kyle.Bischoff@nrc.gov](mailto:Kyle.Bischoff@nrc.gov).

Sincerely,



Signed by Roldan-Otero, Lizette  
on 08/29/24

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

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

Enclosure:  
Notice of Violation (Notice)

cc w/Enclosure:  
Brandi O'Brien  
Uranium Recovery Program Manager  
Wyoming Dept. of Environmental Quality  
Land Quality Division (LQD)  
200 West 17th Street, 2nd Floor  
Cheyenne, WY 82002  
[brandi.obrien@wyo.gov](mailto:brandi.obrien@wyo.gov)

NRC ROUTINE INSPECTION 030-33664/2024-001 AND NOTICE OF VIOLATION DATED AUGUST 29, 2024.

**DISTRIBUTION:**

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JLara, DRA  
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NO'Keefe, DRSS

Document: NRC INSPECTION REPORT 030-33664/2024-001; AND NOTICE OF VIOLATION

ADAMS ACCESSION NUMBER: **ML24242A148**

SUNSI Review: RTS      ADAMS:       Non-Publicly Available       Non-Sensitive  
 Yes     No       Publicly Available       Sensitive

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NAME	KBischoff	RStolt	LRoldan-Otero			
SIGNATURE	/RA/	RTS	/RA/			
DATE	08/14/24	08/13/24	08/29/24			

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Hermes Consolidated, LLC  
Newcastle, WY

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

During an NRC inspection that was conducted on May 21, 2024, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 13.A of NRC License No. 49-27501-01, Amendment Nos. 7 and 8, states, in part, that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the 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.

Contrary to the above, from July 2017 until February 2024, the licensee failed to test each sealed source for leakage and/or contamination at intervals not to exceed the 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. Specifically, the licensee failed to leak test each sealed source at the required interval; the certificate of registration for these particular fixed nuclear gauges documents the leak test interval to be 36 months. The licensee failed to perform leak tests of the sealed sources between July 2017 and February 2024, a period exceeding 36 months.

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

Pursuant to 10 CFR 2.201, Hermes Consolidated, 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 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](mailto: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; 030-33664/2024-001" 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 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.

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.

Enclosure

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 29<sup>TH</sup> day of August 2024