



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

April 10, 2017

Mr. Allen Stuart  
Radiation Safety Officer  
Lhoist North America, Tenmile Plant  
P.O. Box 88  
Bancroft, ID 83217

**SUBJECT: LICENSE AMENDMENT AND NOTICE OF VIOLATION**

Please find enclosed Amendment Number 7 to the U.S. Nuclear Regulatory Commission (NRC) License Number 11-27434-01 extending the expiration date until December 31, 2017 in Item 4 and updating Item 9.A. to include transfer to an authorized recipient, as requested. An environmental assessment for this licensing action is not required since this action is categorically excluded under 10 CFR 51.22(c)(10)(v) and (14)(viii). You should review this license carefully and be sure that you understand all conditions. You can contact me at 817-200-1132 if you have any questions about this license.

Note that your license and license conditions have been updated in a new format. Please review your license and notify this office if you have any discrepancies or questions.

Based on the license amendment request dated February 15, 2017, and a telephone conversation held on February 7, 2017, the NRC determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to submit a timely renewal application before the license expiration date. 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 is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in the subject Notice. The violation is being cited in the enclosed Notice because the NRC identified the violation through discussion with the licensee.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in an amendment request dated February 15, 2017 (ML17052A818). Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's expectations for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>.

We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities. The NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
  - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area;
  - b. If you decide not to acquire or possess and use authorized material; or
  - c. When no principal activities under the license have been conducted for a period of 24 months.
4. Request and obtain a license amendment before you:
  - a. Change Radiation Safety Officers;
  - b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
  - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
  - d. Change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

An electronic version of the NRC's regulations is available on the NRC Web site at [www.nrc.gov](http://www.nrc.gov). Additional information regarding use of radioactive materials may be obtained on the NRC Web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also



provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

*/RA/*

Vivian H. Campbell, Chief  
Materials Licensing and Inspection Branch  
Division of Nuclear Materials Safety

Docket: 030-32760  
License: 11-27434-01  
Control: 593039

Enclosure: Notice of Violation (Notice)

cc: State of Idaho, Administrator

## NOTICE OF VIOLATION

Lhoist North America  
Bancroft, Idaho

Docket: 030-32760  
License: 11-27434-01

During a telephone conversation held on February 7, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Item 4 of NRC License 11-27434-01, Amendment Number 6, specifies the expiration date as September 30, 2014.

10 CFR 30.36(a) requires, in part, that each specific license expires at the end of the day on the expiration date stated in the license, unless the licensee has filed an application for renewal under 10 CFR 30.37 not less than 30 days before the expiration date stated in the existing license.

Contrary to the above, the licensee failed to file an application for renewal under 10 CFR 30.37 not less than 30 days before the expiration date stated in the existing license. Specifically, the license expired on September 30, 2014. On February 7, 2017, during a phone conversation the licensee asked about shipping their sources with an expired license. Region IV staff notified the licensee that a license amendment request to extend the expiration date would have to be submitted and approved prior to shipping the sources. The license amendment request was submitted on February 15, 2017.

This is a Severity Level IV violation (Section 6.3)

The NRC has concluded that the reasons for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in an amendment request dated February 15, 2017 (ML17052A818). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation" and send it 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).

If you choose to respond, 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>.

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 April 2017

Enclosure

LICENSE AMENDMENT AND NOTICE OF VIOLATION DATED APRIL 10, 2017

**DISTRIBUTION:**

S. MORRIS, DRA  
M. SHAFFER, D:DNMS  
L. HOWELL, DD:DNMS  
R4DNMS\_MLIB  
R4ENFORCEMENT

ADAMS ACCESSION NUMBER: ML17095A324

X SUNSI Review  
By: JDC

ADAMS:  
X Yes  No

Non-Publicly Available  
X Publicly Available

X Non-Sensitive  
 Sensitive

Keyword:  
NRC-002

OFFICE	SHP:DNMS	C:DNMS				
NAME	JDCook	VHCampbell				
SIGNATURE	/RA/	/RA/				
DATE	03/23/17	04/10/17				

OFFICIAL RECORD COPY