



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

JUL 28 2017

Mark Luttrell
Radiation Safety Officer
ERP Iron Ore, LLC
64 E 100 N
Reynolds, IN 47980

Dear Mr. Luttrell:

Enclosed is Amendment No. 1 to your NRC Material License No. 13-35286-01 in accordance with your request.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

In addition to the above referenced amendment, please note our updated response to your letter dated April 28, 2017. In that letter, your company submitted to the U.S. Nuclear Regulatory Commission (NRC) a Request for Consent to a direct License Transfer of NRC Materials License No. 13-35286-01. Based on the information provided, we understand that due to a sale of stock and assets from Magnetation LLC, the parent company of Mag Pellet, control of Mag Pellet was directly transferred to ERP Iron Ore, LLC on January 30, 2017. We understand that this transfer has resulted in a change to the license name – now ERP Iron Ore, LLC. Additionally, we understand that the transaction also resulted in some changes to persons using the licensed material, including the appointment of Mark Luttrell to Radiation Safety Officer and authorization of Danny Phillips to perform specified non-routine maintenance activities. However, we also understand that the transaction has resulted in no other changes to the licensed material, or location of use, equipment, or facilities.

Based on the understanding outlined above, and as more fully detailed in the enclosed NRC Safety Evaluation Report (SER), we have no objection to the described transfer. The SER documents the NRC staff's review of the request. Further, we have noted that the transaction was effective and complete on January 30, 2017, as described in Docket Number 1254 of Case Number 15-50307 as filed with the United States Bankruptcy Court, District of Minnesota.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

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.

In accordance with Title 10 Code of Federal Regulations 2.390 of the NRC's "Rules of Practice," 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 Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Laura B. Cender

Laura B. Cender
Health Physicist
Materials Licensing Branch

License No. 13-35286-01
Docket No. 030-38920

Enclosure: 1. Amendment No. 1
2. NRC Safety Evaluation Report (SER) concerning request for consent to Transfer of Control