



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

March 6, 2018

Mr. Edward Barry  
Western Environmental Manager  
Lhoist North America  
2900 W. Horizon Pkwy, Suite 120  
Henderson, NV 89052

SUBJECT: NRC INSPECTION REPORT 030-32760/2018-001 AND NOTICE OF VIOLATION

Dear Mr. Barry:

This letter refers to the routine, announced inspection conducted on February 12, 2018, at your facility located at the Tenmile Plant north of Bancroft, Idaho. 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) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records and interviews with personnel. Observations of licensed activities could not be performed as the Tenmile plant was in standby mode during the inspection. The preliminary inspection findings were discussed with you on February 23, 2018. A final telephonic exit briefing was conducted with you on March 2, 2018.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The violations are cited and described in the enclosed Notice of Violation (Notice). The violations involved the failures to: 1) perform annual audits of the radiation protection program; and, 2) perform physical inventories of sealed sources possessed under the license every six months. The violations are being cited in the enclosed Notice because they were 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: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. 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 will review your response to the Notice to 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 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>.

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

Sincerely,

*/RA/*

Michael C. Hay, Chief  
Materials Licensing and Inspection Branch  
Division of Nuclear Materials Safety

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

Enclosure:  
Notice of Violation (Notice)

cc w/Enclosure:  
K. Martin  
Idaho Radiation Control Program Director

NRC INSPECTION REPORT 030-32760/2018-001 AND NOTICE OF VIOLATION - DATED MARCH 6, 2018.

**DISTRIBUTION:**

S. Morris  
 M. Shaffer  
 R4DNMS\_MLIB

ADAMS ACCESSION NUMBER: ML18058B791

<b>Cover Letter (w/ Enclosure)</b> X SUNSI Review by: JLT		ADAMS X Yes <input type="checkbox"/> No	X Publicly Available <input type="checkbox"/> Non-Publicly Available	X Non-Sensitive <input type="checkbox"/> Sensitive	Keyword: N/A
<b>OFFICE</b>	RIV:MLIB	RIV:C:MLIB			
<b>NAME</b>	JLThompson	MCHay			
<b>SIGNATURE</b>	/RA/	/RA/			
<b>DATE</b>	03/02/18	03/06/18			

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Lhoist North America  
Bancroft, Idaho

Docket No. 030-32760  
License No. 11-27434-01

During an NRC inspection conducted on February 12, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from September 20, 2016, to the date of inspection on February 12, 2018, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, the radiation protection program was not reviewed for content and implementation during Calendar Year 2017.

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

- B. Condition 15 to NRC License 11-27434-01, Amendment 7, requires, in part, that the licensee shall conduct a physical inventory every six months to account for all sealed sources and/or devices received and possessed under the license.

Contrary to the above, from February 29, 2016, to the date of inspection on February 12, 2018, the licensee failed to conduct a physical inventory every six months to account for all sealed sources and/or devices received and possessed under the license. Specifically, the licensee last performed and documented a physical inventory on February 29, 2016, and failed to perform this subsequently at least partially due to the fact that the personnel elevator that provided access to the fixed nuclear gauges was out of service during this time period.

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

Pursuant to the provisions of 10 CFR 2.201, Lhoist North America 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 Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, 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 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, an order or a Demand for Information may be issued requiring information 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, 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 Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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, 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 two working days of receipt.

Dated this 6th day of March 2018