



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

January 16, 2024

EA-23-103

Catherine Heyneman, Radiation Safety Officer
Advanced Isotopes of Idaho
P.O. Box 2105
Pocatello, ID 83206

SUBJECT: ADVANCED ISOTOPES OF IDAHO - NOTICE OF VIOLATION, NRC INSPECTION
REPORT 030-37048/2023-001

Dear Catherine Heyneman:

This letter refers to the limited scope inspection, conducted from March 2, through November 7, 2023, of licensed activities performed at your facility in Idaho Falls, Idaho. The inspection examined activities conducted under your license as they relate to safety and compliance with the U.S. Nuclear Regulatory Commission (NRC) rules and regulations, and with the conditions of your license. A final exit meeting was conducted with you on November 7, 2023. The results of the inspection and apparent violation were provided to you in the subject inspection report, dated November 8, 2023, Agencywide Documents Access and Management System (ADAMS) Accession No. ML23306A249.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation by either attending a predecisional enforcement conference or providing a written response before we made our final enforcement decision. In a letter dated December 1, 2023 (ML23345A200), you provided a written response to the apparent violation.

Based on the information developed during the inspection and the information you provided in your December 1, 2023, written response to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violation are described in detail in the subject inspection report. The violation involved the redistribution of a sealed source to a licensee that exceeded the maximum activity listed on the recipient's license.

The NRC considers the violation to be a significant because of the failure to verify that a recipient licensee is authorized to possess the material being transferred. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$9,000 is considered for a Severity Level III violation.

Because your facility has not been the subject of an escalated enforcement action within the last two routine inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Corrective Action* credit is warranted based on the prompt and comprehensive corrective actions you implemented. Your corrective actions to address the violation are documented in NRC Inspection Report 030-37048/2023-001 and in your letter dated December 1, 2023.

Therefore, to encourage prompt and comprehensive correction of a violation and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

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 NRC Inspection Report 030-37048/2023-001 and in your letter dated December 1, 2023. Therefore, you are not required to respond to this letter unless the description therein 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.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, the enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's ADAMS, accessible from the NRC website 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. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Dr. Lizette Roldán-Otero of my staff at 817-200-1455.

Sincerely,



Signed by Monninger, John
on 01/16/24

John D. Monninger
Regional Administrator

Docket No. 030-37048
License No. 11-29216-01MD

Enclosure:
Notice of Violation

ADVANCED ISOTOPES OF IDAHO - NOTICE OF VIOLATION, NRC INSPECTION
 REPORT 030-37048/2023-001 - DATED JANUARY 16, 2024

DISTRIBUTION:

RidsOeMailCenter Resource;
 RidsSecyMailCenter Resource;
 RidsEdoMailCenter Resource;
 RidsOiMailCenter Resource;
 R4-DRSS-MIB
 JMonninger, RA
 JLara, DRA
 TBloomer, DRSS
 LWardrobe, DRSS
 RSun, NMSS
 VDricks, ORA
 JGroom, ORA
 ARoberts, ORA
 DCylkowski, ORA

RidsNmssOd Resource;
 RidsOcaMailCenter Resource;
 EDO_Managers;
 RidsRgn1MailCenter Resource;
 R4-ORA-ACES
 RAlexander, ORA
 MMadison, DRMA
 JKramer, ORA
 DBradley, OE
 NO'Keefe, DRSS
 AMoreno, CA
 LWilkins, CA
 JHamman, OEDO

RidsOgcMailCenter Resource;
 RidsOigMailCenter Resource;
 RidsOcoMailCenter Resource;
 RidsRgn3MailCenter Resource;
 R4Enforcement.Resource
 DPelton, OE
 SLewman, OE
 JPeralta, OE
 JCook, DRSS
 RErickson, DRSS
 MBurgess, NMSS
 LRoldan-Otero, DRSS
 LHowell, DRSS

ADAMS ACCESSION NUMBER: **ML23355A099**

SUNSI Review By: JGK		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword: NRC-002
OFFICE	SES:ACES	C:MIB	TL:ACES	RC	OE	D:DRSS
NAME	JKramer	LRoldán-Otero	JGroom	DCylkowski	DBradley	TBloomer
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	12/20/23	12/27/23	12/22/23	12/28/23	01/05/24	01/08/24
OFFICE	RA					
NAME	JMonninger					
SIGNATURE	/RA/ E					
DATE	01/16/24					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Advanced Isotopes of Idaho
Pocatello, Idaho

Docket No. 030-37048
License No. 11-29216-01MD
EA-23-103

During an NRC inspection conducted from March 2 to November 7, 2023, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 9I of NRC Materials License 11-29216-01MD, Amendment 12, states, in part, that the licensee is authorized to redistribute sealed sources initially distributed by a manufacturer licensed pursuant to 10 CFR 32.74 to authorized recipients.

Contrary to the above, on March 19, 2021, the licensee redistributed a sealed source initially distributed by a manufacturer licensed pursuant to 10 CFR 32.74 to an unauthorized recipient. Specifically, the licensee distributed a sealed source that contained 17.07 millicuries of cobalt-57 to a licensee with a license possession limit of a maximum of 15 millicuries of cobalt-57 per source.

This is a Severity Level III Violation (Enforcement Policy Section 6.12.c.12).

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 NRC Inspection Report 030-37048/2023-001 and in your letter dated December 1, 2023. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-23-103," 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, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and email it to R4Enforcement@nrc.gov.

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.

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 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 that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your

Enclosure

claim (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).

Dated this 16th day of January 2024