



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

September 1, 2011

Idaho Department of Health & Welfare
Bureau of Laboratories
ATTN: Michael Stevenson, Ph.D., Radiation Safety Officer
2220 Old Penitentiary Road
Boise, Idaho 83712

SUBJECT: NRC INSPECTION REPORT 030-32219/2011-001 AND NOTICE OF VIOLATION

Dear Dr. Stevenson:

This refers to the inspection conducted at your facility in Boise, Idaho, on April 25-26, 2011, with continued in office review through July 07, 2011. The inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of selected examination of procedures and representative records and interviews with personnel. Preliminary inspection findings were discussed with you at the conclusion of the onsite inspection. A final exit briefing was conducted telephonically with you on August 18, 2011.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations involved: (1) the failure to appoint a new Radiation Safety Officer (RSO) when the former RSO left the company in October 2008; and (2) the failure to conduct annual radiation protection program audits at least annually since calendar year 2007. The violations were 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 violations are cited in the enclosed Notice of Violation (Notice). The violations are being cited in the Notice because the NRC identified them during the inspection.

The NRC has concluded that information regarding the reason for violation A, the corrective actions taken, and the date when full compliance was achieved, has been adequately addressed on the docket in the application dated March 28, 2011, via electronic correspondence (ML11117A224). License amendment number 05 dated June 16, 2011, reflects the RSO change. Therefore, you are not required to respond to this violation. However you are required to respond to violation B, cited in the Notice and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Idaho Department of Health & Welfare
Bureau of Laboratories

-2-

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions concerning this inspection, please contact Rick Muñoz at (817) 860-8220 or the undersigned at (817) 860-8130.

Sincerely,

/RA/

G. Michael Vasquez, Chief
Nuclear Materials Safety Branch A

Docket: 030-32219
License: 11-27390-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

cc w/Enclosure 1:
Idaho Radiation Control Program Director

Internal distribution via e-mail:

E. Collins, RA
R. Caniano, D:DNMS
C. Cain, DD:DNMS
V. Campbell C.DNMS/NMSB-A
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RIV Materials Docket File
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ADAMS: No <input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: RRM
		<input checked="" type="checkbox"/> Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive
Category A.		Non-publicly Available	Sensitive
KEYWORD: .			
MSB-A	C:MSB-A		
RRMuñoz	GMVasquez		
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07/07/2011	09/01/2011		

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NOTICE OF VIOLATION

Idaho Department of Health & Welfare
Bureau of Laboratories
Boise, Idaho

Docket: 030-32219
License: 11-27390-01

During a NRC inspection conducted on April 25 through June 22, 2011, two violations of NRC requirements were identified. In accordance with the Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34 requires, in part, that the licensee comply with the terms and conditions of the license.

Condition 11. B., of License 11-27390-01 identifies a specific individual as the Radiation Safety Officer (RSO) for the license.

Contrary to the above, from October 24, 2008, through March 28, 2011, the individual named on the license as the RSO was no longer employed by the licensee and was not serving as the RSO for the licensee. The licensee failed to appoint another individual as RSO.

This was identified as a Severity level IV violation (Supplement 6.3)

- B. 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, for calendar years 2008 through the end of calendar year 2010, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

This was identified as a Severity level IV violation (Supplement 6.3)

The NRC has concluded that information regarding the reason for violation A, the corrective actions taken, and the date when full compliance was achieved, has been adequately addressed on the docket in the application dated March 28, 2011, via electronic correspondence (ML11117A224). Therefore, you are not required to respond to this violation unless the description herein does not accurately reflect your corrective actions or your position.

However, for violation B, pursuant to the provisions of 10 CFR 2.201, Idaho Department of Health & Welfare Bureau of Laboratories, 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, 612 E. Lamar Blvd., Suite 400, 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(s) or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, 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 as to why the license should not be

ENCLOSURE 1

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.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy, proprietary or safeguards 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 are required to post this Notice within two working days.

Dated this 1st day of September, 2011