



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

March 20, 2006

State of Idaho
Transportation Department
Materials Section
ATTN: David E. Turner
Radiation Safety Officer
P.O. Box 7129
Boise, Idaho 83707-1129

SUBJECT: NRC INSPECTION REPORT 030-32230/06-001 AND NOTICE OF VIOLATION

Dear Mr. Turner:

This letter refers to the safety inspections conducted on February 21-23, 2006, at your field offices located in Coeur d'Alene and Lewiston, Idaho. The inspection was an examination of activities as they relate to safety and compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of a selective examination of procedures and representative records, interviews, and independent surveys. The preliminary inspection results were discussed with Messrs. Pat Lightfield and Jim Carpenter at the conclusion of the onsite inspection. A final telephonic exit briefing was conducted with you on February 28, 2006.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. This violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy). The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. The violation cited in the enclosed Notice of Violation (Notice) involved the failure to conduct a public dose assessment at storage locations in both Coeur d'Alene and Lewiston, Idaho.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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 document 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, proprietary, or safeguards information so that it can be made available to the public without redaction.

State of Idaho

If you have any questions concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,
/RA RALeonardi for/

Mark R. Shaffer, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-32230
License No.: 11-27076-01
Enclosure: As stated

cc w/enclosure: Idaho Radiation Control Program Director

State of Idaho

bcc w/enclosure via e-mail distrib:

LDWert

CLCain

MRSshaffer

JEWhitten

LDonovan

HFreeman

KEGardin

NMIB

R-I/DNMS/MSIB (provided hard copy)

RIV Materials Docket File (5th Floor)

SUNSI Review Completed: ADAMS: : Yes No Initials: ld

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State of Idaho

ENCLOSURE

NOTICE OF VIOLATION

State of Idaho
Boise Idaho

Docket No. 030-32230
License No. 11-27076-01

During an NRC inspection conducted on February 21-23, 2006, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violation is listed below:

10 CFR 20.1302(a) requires, in part, that the licensee make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in 10 CFR 20.1301.

Pursuant to 10 CFR 20.1003, *survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, as of February 23, 2006, the licensee had not made surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with 10 CFR 20.1301, which limits radiation exposure to 100 millirem in a year for individual members of the public. Specifically, the licensee had not made radiation surveys, as appropriate, in all areas where portable nuclear gauges were stored at the Coeur d' Alene and Lewiston field offices.

This is a Severity level IV Violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, State of Idaho, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, 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 for each violation: (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 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 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 <http://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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 20th day of March 2006