



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

March 22, 2006

University of Idaho
Environmental Health and Safety
ATTN: Mr. Fred Hutchinson
Radiation Safety Officer
1108 West Sixth Street
Moscow, Idaho 83844-2030

SUBJECT: NRC INSPECTION REPORT 030-32323/06-001 AND NOTICE OF VIOLATION

Dear Mr. Hutchinson:

This letter refers to the safety inspection conducted on February 22, 2006, at your facility located in Moscow, 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. The preliminary inspection results were discussed with you at the conclusion of the onsite inspection. A final exit interview was conducted with you on March 9, 2006.

Based on the results of this inspection, the NRC has determined that two violations of NRC requirements occurred. These violations were 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 violations cited in the enclosed Notice of Violation (Notice) involved failures to: (1) conduct a public dose assessment at radioactive material storage locations and; (2) conduct the annual radiation protection reviews for calendar years 2004 and 2005.

On January 5, 2004, we sent you a letter entitled "Assessment of the Former University of Idaho Burial Site." In that letter, we reminded you of the Timeliness Rule requirements as specified in 10 CFR 30.36. In this letter, we also requested that you conduct a radiological assessment of your burial site using the criteria specified in NUREG 1757, "Consolidated NMSS Decommissioning Guidance," in order to determine compliance with the 25-millirem per year limit specified in 10 CFR 20.1402. This letter provided you with two options depending on whether your assessment was above or below the 25-millirem annual limit. During this inspection, we noted that your preliminary assessment concluded that the burial site would not always meet the 25-millirem per year limit. However, as we understand, your initial assessment was only preliminary in nature and that you plan to reassess the burial site. Therefore, you are requested to conduct this reassessment using the above stated criteria and advise us in writing of your conclusion no later than thirty days from the date of this letter.

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.

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.: 030-32323
License No.: 11-27382-01
Enclosure: As stated

cc w/enclosure: Idaho Radiation Control Program Director

bcc w/enclosure via e-mail distrib:
 LDWert
 CLCain
 MRShaffer
 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

X Publicly Available Non-Publicly Available Sensitive X Non-Sensitive

DOCUMENT NAME: s:\dnms!\nmib!\donovan\63232301.wpd final r:_dnms

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ENCLOSURE

NOTICE OF VIOLATION

University of Idaho
Moscow Idaho

Docket No. 030-32323
License No. 11-27382-01

During an NRC inspection conducted on February 22, 2006, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violations are listed below:

- A. 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 22, 2006, the licensee did not make surveys 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 surveys, as appropriate, in areas where portable nuclear gauges and a krypton-85 device were stored.

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

- 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, the licensee had failed to review its radiation protection program in calendar years 2004 and 2005.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, University 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 22th day of March 2006