



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

December 23, 2008

Advanced Isotopes of Idaho
Attn: Troy Curnutt, RT(N)
President, Radiation Safety Officer
4968 Rainbow Lane
Chubbuck, Idaho 83202

SUBJECT: NRC INSPECTION REPORT 030-37048/2008-001 AND
NOTICE OF VIOLATION

Dear Mr. Curnutt:

This refers to the unannounced inspection conducted on December 4, 2008, at the Chubbuck, Idaho, facility. This 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 your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. The inspector discussed the preliminary inspection findings with you, by phone, at the conclusion of the onsite portion of the inspection. The inspector received follow-up electronic mail and facsimile correspondence during the week of December 8, 2008. The inspector conducted a final exit briefing telephonically with you on December 9, 2008.

Based on the results of the inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail. The violations involved: (1) the failure to perform adequate surveys when exiting the restricted area; and (2) the failure to perform bioassays in a timely manner. The violations are being cited in the 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. 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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's 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 Mr. Jason M. Razo at (817) 276-6589 or the undersigned at (817) 860-8130.

Sincerely,

/RA/

G. Michael Vasquez, Acting Chief
Nuclear Materials Safety Branch A

Docket: 030-37048
License: 11-29216-01MD

Enclosures:

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

cc w/Enclosure 1:
Idaho Radiation Control Program Director

cc w/Enclosure 1 via e-mail:

E. Collins

A. Howell

C. Cain

G. Vasquez

J. Whitten

J. Razo

M. Herrera, RITS Coordinator

R4DNMS_MS-A

Hard Copy:

RIV Materials Docket File (5th Floor)

SUNSI review completed: JMR ADAMS: X Yes Initials: JMR
X Publicly Available X Non Sensitive

Draft: S:\DNMS\NMIB\ ~REPORTS IN CONCURRENCE\Advanced Isotopes of Idaho 08-01 NOV

Final: R:_DNMS\2008\Advanced Isotopes of Idaho 08-01 NOV

RIV:DNMS:NMSB-A	C:NMSB-A
JMRazo	GMVasquez
/RA/	/RA/
12/18/08	12/23/08

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T=Telephone E=E-mail F=Fax

NOTICE OF VIOLATION

Advanced Isotopes of Idaho
Chubbuck, Idaho

Docket 030-37048
License 11-29216-01MD

During an NRC inspection conducted on December 4, 2008, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 20 of Advanced Isotopes of Idaho's NRC license states in part that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures in the license application dated September 21, 2005.

Page 4, Section 2.4.2.c.i of the Policy & Procedure Manual of the application dated September 21, 2005, states in part that, "Upon leaving the restricted area, personnel should monitor their hands, feet, and clothing."

Contrary to the above, on December 4, 2008, personnel of Advanced Isotopes of Idaho failed to monitor their hands, feet, and clothing upon leaving the restricted area. Specifically, personnel handling syringes and ammo boxes containing radioactive material failed to use the hand and foot survey meter stationed next to the restricted area exit to check for contamination before exiting the restricted area.

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

- B. License Condition 20 of Advanced Isotopes of Idaho's NRC license states in part that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures in the license application dated September 21, 2005.

Page 45, Section 5.E.1 of the Policy & Procedure Manual of the application dated September 21, 2005, states in part that, "Individuals who routinely work compounding iodine capsules or diluting I-131 must have a thyroid bioassay performed weekly."

Contrary to the above, between September 18 and December 4, 2008, individuals working with I-131 capsules failed to have a thyroid bioassay performed weekly. Specifically, between September 18 and December 4, 2008, 13 diagnostic capsules containing I-131 were prepared, but no thyroid bioassays were performed.

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

Pursuant to the provisions of 10 CFR 2.201, Advanced Isotopes 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 20555-0001, 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 www.nrc.gov/reading-rm/pdr.html or 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 may be required to post this Notice within 2 working days.

Dated this 23rd day of December 2008