



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

May 18, 2007

Ms. Pennie Frye
Radiation Safety Officer
DBI, Inc.
4223 Progressive Avenue, Suite 2
Lincoln, Nebraska 68504

SUBJECT: NRC INSPECTION REPORT 150-00026/2007-001 AND NOTICE OF VIOLATION

Dear Ms. Frye:

This refers to the inspection conducted on April 26, 2007, at a temporary job site in Midwest, Wyoming. The inspection was an examination of activities conducted under the General License provisions contained in 10 CFR 150.20 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 members of your staff at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you telephonically on May 4, 2007.

Based on the results of this 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.html. The violations are cited in the enclosed Notice of Violation (Notice). These violations involved failures to (1) have certain documents which are required to be at temporary job sites, and (2) document final pocket ionization chamber reading results on the daily radiation reports. These violations are being cited in the Notice because they were identified by the NRC, rather than being self-identified by the licensee.

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.

DBI, Inc.

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 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. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Nuclear Materials Inspection Branch

Docket No.: 150-00026
General License No.: 10 CFR 150.20

Enclosures:

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

cc w/Enclosure 1:
Julia Schmitt, Program Manager
Nebraska Health & Human Services
Dept. of Regulation & Licensing
Division of Public Health Assurance
P.O. Box 95007
Lincoln, NE 68509-5007

DBI, Inc.

bcc w/Enclosure 1 (via ADAMS distrib):

BSMallet

TPGwynn

LDWert

CLCain

VHCampbell

JEWhitten

LDonovan

RITS Coordinator

NMIB

RIV Materials Docket File (5th Floor)

SUNSI review completed: ADAMS: Yes Initials: LD
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05/15/07	05/15/07	05/18/07

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ENCLOSURE 1

NOTICE OF VIOLATION

DBI, Inc.
Lincoln, Nebraska

Docket No. 150-00026
General License 10 CFR 150.20

During a reciprocity inspection, conducted on April 26, 2007, under the provisions of General License 10 CFR 150.20, two violations of NRC requirements were identified. In accordance with the Enforcement Policy, the violations are listed below:

- A. 10 CFR 34.89(b)(2) requires, in part, that the licensee shall maintain copies of the following documents and records sufficient to demonstrate compliance at each applicable field station and each temporary job site records: copies of 10 CFR parts 19, 20 and 34 of NRC regulations.

Contrary to the above, the licensee did not have all of the required documents as specified in 10 CFR 34.89(b)(2). Specifically, the licensee did not have copies of NRC regulations, particularly, 10 CFR parts 19, 20 and 34.

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

- B. 10 CFR 34.47(b) requires, in part, that direct reading dosimeters, such as pocket ionization chambers or electronic personal dosimeters must be read and exposures recorded, at the beginning and end of each shift, and records must be maintained in accordance with 10 CFR 34.83.

Contrary to the above, the licensee did not read and record exposures, at the end of each shift as required by 10 CFR 34.47(b). Specifically, on April 10, 13 and 18, 2007, the licensee failed to record ending exposures at the end of each shift.

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

Pursuant to the provisions of 10 CFR 2.201, DBI Inc, 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.

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.

In accordance with 10 CFR 19.11, you are required to post this Notice within two working days.

Dated this 18th day of May 2007.