



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

November 2, 2010

SABIA, Inc.
Attn: James F. Miller
Radiation Safety Officer
2300 North Yellowstone Highway
Idaho Falls, Idaho 83402

SUBJECT: NRC INSPECTION REPORT 030-35997/2010-001 AND NOTICE OF VIOLATION

Dear Mr. Miller:

This refers to the inspection conducted at your facility in Idaho Falls, Idaho, on June 21, 2010, with continued in-office review until October 8, 2010. 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 telephonically with you at the conclusion of the onsite portion of the inspection on June 21, 2010. A final exit briefing was conducted telephonically with you on October 26, 2010.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations involved the failure to 1) perform a public dose assessment, 2) post a "Radiation Area," and 3) provide adequate training. 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 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.

Sabia, Inc.

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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.

Should you have any questions regarding this letter or the enclosed Notice, please contact Mr. Jason Razo at (817) 276-6589 or the undersigned at (817) 860-8287.

Sincerely,

/RA James L. Thompson for/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket 030-35997
License 11-27727-01

Enclosures:

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

cc w/Enclosure 1:

Idaho Radiation Control Program Director

Sabia, Inc.

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bcc w/Enclosure 1 (via ADAMS distrib):

ECollins

CLCain

VCampbell

JEWhitten

RITS Coordinator

NMSB-A

RIV Materials Docket File (5th Floor)

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JMRazo	VHCampbell		
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11/01/2010	11/02/2010		

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NOTICE OF VIOLATION

SABIA, Inc.
Idaho Falls, Idaho

Docket 030-35997
License 11-27727-01

During an NRC inspection conducted from June 21 through October 8, 2010, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1301(a)(1) requires, in part, that licensees shall conduct operations so that the total dose equivalent to individual members of the public from the licensed operations does not exceed 0.1 rem (1 mSv) in a year.

10 CFR 20.1302(b)(1) requires that the licensee shall show compliance with the annual dose limit in 10 CFR 20.1301 by demonstrating by measurement or calculation that the total dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit.

Contrary to the above, on June 21, 2010, the licensee failed to demonstrate compliance by measurement or calculation that the total dose equivalent to the individual likely to receive the highest dose from the licensee's operation did not exceed the annual dose limit. Specifically, the licensee failed to perform an assessment of the total dose equivalent to individual members of the public from the radioactive material in storage bays where licensed operations were performed. The licensee added radioactive materials to the bays and the storage configuration was modified without performing a new public dose assessment.

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

- B. 10 CFR 20.1902(a) requires that the licensee post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

Contrary to the above, on June 21, 2010, in Bay 3 at the licensee's storage location near the californium-252 source containers, a radiation area with a radiation dose rate exceeding 5 millirem per hour at 30 centimeters was not posted with a sign bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

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

- C. License Condition 21 of Amendment 14, to NRC Materials License 11-27727-01, 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 electronic mail dated February 2, 2005.

The electronic mail dated February 2, 2005, states, in part, that authorized users will complete training in accordance with NUREG 1556 Volume 12, appendix H.

ENCLOSURE 1

NUREG 1556 Volume 12, appendix H, states, in part, that authorized users shall receive training whenever there is a significant change in duties.

Contrary to the above, on June 21, 2010, a licensee authorized user failed to receive training whenever there is a significant change in duties. Specifically the Installation Coordinator/Radiation Specialist at the Idaho Falls, Idaho, facility departed the company, and the replacement authorized user did not receive training commensurate with a significant change in duties. From July 6, through July 30, 2010, the licensee provided supplementary training to the replacement authorized user commensurate with the significant change in duties and responsibilities due to the departure of the previous Radiation Specialist.

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

Pursuant to the provisions of 10 CFR 2.201, SABIA, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, 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 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, and (4) the date when full compliance was, or 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.

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

Dated this 2nd day of November 2010