

October 5, 2012
EN-12-045

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: DBI, Inc. (EA-12-058)
Casper, Wyoming

Individual: Mr. Christopher Rhoads, Radiographer's Assistant (IA-12-033)

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY), AND
AN INDIVIDUAL NOTICE OF VIOLATION

This is to inform the Commission that a Confirmatory Order will be issued on or about October 11, 2012, to DBI, Inc. (DBI) confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement between DBI and the NRC. On or about that same date, a Notice of Violation (NOV) will be issued to Mr. Christopher Rhoads, a radiographer's assistant formerly employed by DBI. The action to Mr. Rhoads is based on investigation and inspection information, where as he has otherwise declined a predecisional enforcement conference (PEC) with the NRC.

NRC inspection and subsequent investigation identified four apparent violations by DBI for failure to: (1) conduct a survey when approaching the radiography camera and guide tube (10 CFR 34.49(b)); (2) have at least one other individual present who is a qualified radiographer, while performing radiography (10 CFR 34.41); (3) supervise the assistant radiographer (10 CFR 34.46); and (4) provide complete and accurate information to the Commission (10 CFR 30.9(a)). Additionally, the NOV to Mr. Rhoads is based on his deliberately failing to comply with the requirements of 10 CFR 34.41(a) and 34.46(c), such that he is also in violation of NRC's rule prohibiting deliberate misconduct (10 CFR 30.10).

An ADR mediation session with DBI was conducted on, September 6, 2012, and an agreement in principal was reached. DBI agreed to a number of actions, including: (1) initial and annual refresher training to address safe operations and deter deliberate violations for employees engaged in radiography; (2) a license amendment request with procedures addressing corporate oversight of field offices, field audits, cause evaluations with training; and maintenance of audit records; (3) issuing a statement to employees addressing the security of material, ethics of compliance, deliberate violations, and the importance of safety over competing goals; and (4) paying a civil penalty in the amount of \$3,500.

DBI and Mr. Rhoads will be informed of the issuance of their respective enforcement actions by both a mailing and telephone notification on or about October 11, 2012. The State of Wyoming will be notified on or about the same date.

CONTACTS: Susanne Woods, OE, (301) 415-2740

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