



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

May 15, 2007

Mr. Blake Barringer
Radiation Safety Officer
Brosz Engineering, Inc.
P.O. Box 23
3030 Airport Drive, Suite A
Pierre, South Dakota 57501

SUBJECT: NRC INSPECTION REPORT 030-34296/07-01 AND NOTICE OF VIOLATION

Dear Mr. Barringer:

This refers to the inspection conducted on April 25, 2007, at your facility in Pierre, South Dakota. 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 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 7, 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) periodically (at least annually) review the radiation protection program content and implementation, and (2) perform an evaluation to demonstrate compliance with dose limits to individual members of the public. 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.

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

Brosz Engineering, Inc.

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.: 030-34296
License No.: 40-27551-01

Enclosures:

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

cc w/Enclosure 1:

Robert J. Stahl, Administrator
Office of Health Care Facilities
Licensure & Certification
South Dakota Department of Health
615 E. 4th Street
Pierre, SD 57501-1434

Brosz Engineering, Inc.

bcc w/Enclosure 1 (via ADAMS distrib):

BSMallet

TPGwynn

LWert

CLCain

VHCampbell

JEWhitten

LDonovan

RITS Coordinator

NMIB

RIV Materials Docket File (5th Floor)

SUNSI review completed: ADAMS: Yes Initials: LD
 Publicly Available Non Sensitive

s:\dnms\nmib\Report in concurrence\brosz 07-01.wpd

Final: r:\ dnms\

RIV:DNMS:NMIB	C:NMLB	C:NMIB
LDonovan	JWhitten	VHCampbell
/RA/	/RA RJTorres	/RA/
05/10/07	05/15/07	05/15/07

OFFICIAL RECORD COPY

T=Telephone E=E-mail F=Fax

ENCLOSURE 1

NOTICE OF VIOLATION

Brosz, Engineering, Inc
Pierre, South Dakota

Docket No. 030-34296
License No. 40-27551-01

During a NRC inspection conducted on April 25, 2007, two violations of NRC requirements were identified. In accordance with the Enforcement Policy, the violations are listed below:

- A. 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 failed to periodically review its radiation protection program content, and implementation at least annually. Specifically, annual reviews of the licensee's radiation protection program were not conducted from 2002 to 2007.

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

- B. 10 CFR 20.1302(a) requires, in part, that the licensee shall 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 individuals members of the public in 10 CFR 20.1301.

Contrary to the above, the licensee failed to 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 individuals members of the public in 10 CFR 20.1301. Specifically, the licensee was found to have not made or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas for four Troxler Model 3400 series portable gauges stored in the licensee's facility in Pierre, South Dakota. The licensee failed to make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas resulting from stored portable nuclear gauges to demonstrate compliance with the dose limits for individuals members of the public in 10 CFR 20.1301.

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

Pursuant to the provisions of 10 CFR 2.201, Brosz Engineering 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 15th day of May 2007