



ENTRECANALES

Redondo / Entrecanales, S.E.

December 21, 2001

Mr. Jay L. Henson
Chief
Materials Licensing/Inspection Branch 2
Division of Nuclear Materials Safety
United States Nuclear Regulatory Commission
Region II
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW Suite 23T85
Atlanta, Georgia 30303-8931
Fax: (404)-562-4955

RE: Notice of Violation to Redondo/Entrecanales, S.E.
Docket No. 999-90002, EA-01-241 (the "NOV")

Dear Mr. Henson:

We acknowledge receipt of your letter dated November 14, 2001 and the above-referenced NOV. The aforesaid were received at our offices via regular mail on December 4, 2001. (Enclosed, for your convenience, is a date-stamped copy of the first page of your letter.)

The reasons for the delay in the delivery to our offices of your letter and NOV are unknown to the undersigned and clearly beyond our control. Since the 30-day term, granted in the NOV to respond, began to run as of the date of the November 14 letter our ability to timely and properly reply has been hampered. We therefore are hereby requesting an extension to the response time. To adequately and responsibly address your letter and the NOV, we respectfully request an extension until January 31, 2002.

Notwithstanding the aforesaid, we enclose herewith a photocopy of a document which begins to address the concern raised in your letter and the NOV. You will find a copy of a memorandum dated August 31, 2001, from Eng. Ventura, from Redondo Construction Corporation, to Eng. Irizarry, from Ponce I & M Engineering, where Eng. Ventura states that the Nuclear Compacting Test Machines, referred to in the NOV, were held by Redondo/Entrecanales, S.E. under the license of Redondo Construction Corporation. The latter is a partner or member of the Puerto Rico partnership named "Redondo/Entrecanales, S.E."

Sincerely,

Miguel A. Heras
General Manager



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

November 14, 2001

17847

EA 01-241

Redondo/Entrecanales, S.E.
ATTN: Mr. Miguel Heras
General Manager
P.O. Box 13974
San Juan, Puerto Rico 00908-3974

NECSO Redondo
DEC 04 2001
Entrada Documentación
REF. _____

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N.I.P.	
OTHERS	

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Heras:

This refers to the inspection conducted on August 30, 2001, at your Tren Urbano, de Diego Station, Río Piedras, Puerto Rico, temporary job site. The inspection was an examination of activities conducted as they relate to safety and compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of observations and interviews with personnel. At the conclusion of the inspection, the findings were discussed with Mr. Fernando Suárez, Vice President.

Based on the results of the inspection, the NRC has determined that a violation of NRC requirements occurred. The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is enclosed. The violation is cited in the enclosed Notice of Violation (Notice). Although appropriate safety measures were taken, we are concerned that between March 8, 2000, and August 31, 2001, you were in possession of byproduct material consisting of cesium-137 and americium-241 contained in three portable nuclear gauges without a license authorizing such possession. The materials were temporarily transferred to an authorized recipient on August 31, 2001, at our request.

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, NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. In addition to the response required by the Notice please notify us of whether you intend to obtain a valid license or how are you going to properly dispose of the licensed materials. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

MEMO

TO : Eng. Irizarry
Ponce I & M Engineering

FROM : Eng. Ventura 
Redondo Construction Corp.

DATE : August 31, 2001

SUBJECT : NUCLEAR MACHINES CUSTODY TRANSFER

By this mean we are proceeding to transfer to Ponce I & M Engineering for temporary custody, but not the property, of following Nuclear Compacting Test Machines.

- CPN # ~~M18043697~~ - M-16046097
- CPN # M370903904
- CNP # M300205482

The equipment be located at the Ponce I & M Engineering headquarters, at Ponce (Puerto Rico) until Redondo/Entrecanales, S.E. gets the license to handle them. Ponce I & M has the license number 52-24908-02.

This machines are property of Redondo/Entrecanales, S.E. under Redondo Construction Corp. License.

Pc: Mr. Enrique Muruáis

Received:
PIM
Agosto 31 2001
3:20pm
Jesé A. Sordani