



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 22, 2005

Docket No. 03036190

License No. 52-25615-01

Edgar Guerrero Ramos  
Vice President  
Radiography and NDE Solutions  
H.C. 80, Box 6785  
Dorado, PR 00646

**SUBJECT:** INSPECTION 03036190/2005001, RADIOGRAPHY AND NDE SOLUTIONS, DORADO, PUERTO RICO SITE AND THE SHELL REFINERY, HUMACAO, PUERTO RICO, AND NOTICE OF VIOLATION

Dear Mr. Guerrero Ramos:

On May 24 and 25, 2005, Kathy Modes and Jim Schmidt of this office conducted a safety inspection at the above address and the Shell Refinery, Humacao, Puerto Rico of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with Victor Morales and Ronald Bernstein of your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

The inspectors noted that you are storing licensed material in a trailer located at the Shell Refinery, Humacao, Puerto Rico, and you occasionally dispatch the material to your other temporary job sites from this location. A licensee is permitted to store and dispatch licensed material from a field station provided the field station is included in the license as an authorized location of use and storage. Therefore, if you plan to continue to use this location as a field station, and dispatch material to other job sites from this location, you should request an amendment to your license to include this location as an authorized location of use and storage. Please follow the guidance provided in Section 8.9 of NUREG 1556, Volume 2 in preparing the amendment request.

E. Guerrero Ramos  
Radiography and NDE Solutions

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Current NRC regulations, guidance documents, and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

***Original signed by Sattar Lodhi, Ph.D.***

John D. Kinneman, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Victor Morales, Radiation Safety Officer  
Commonwealth of Puerto Rico

E. Guerrero Ramos  
Radiography and NDE Solutions

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI			
NAME	KModes (JWS for)		JSchmidt (JWS)	JKinneman (ASL for)			
DATE	06/22/05		06/22/05	06/22/05			

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## NOTICE OF VIOLATION

Radiography and NDE Solutions  
Dorado, PR

Docket No. 03036190  
License No. 52-25615-01

During an NRC inspection conducted on May 24 and May 25, 2005, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 34.27(e) requires that each exposure device using depleted uranium and an "s" tube configuration which is not in storage, be tested for leakage at intervals not to exceed twelve months.

Contrary to the above, between the last NRC inspection on February 18, 2004 and May 25, 2005, an interval greater than twelve months, the licensee did not leak test its AEA Model 660A exposure device, serial no. A3654. This exposure device was used by the licensee on May 24, 2005.

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

- B. 10 CFR 34.43(e)(1) requires, in part, that a licensee make observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation at intervals not to exceed six months.

Contrary to the above, the licensee did not make observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation at intervals not to exceed six months. Specifically, between July 7, 2004, and April 15, 2005, an interval greater than six months, the licensee did not make observations of the performance of two radiographers during actual industrial radiographic operations.

This is a Severity Level IV violation (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, Radiography and NDE Solutions is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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, (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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement>. Or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays). To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 22 day of June 2005