

April 21, 2008

**US Nuclear Regulatory Commission
Washington, D.C. 20555**

ATT: Marie Miller
Chief Security and Industrial Branch
Division of Nuclear Materials Safety

Ref: License no. 52-30913-01
Docket No. 03036569 / 2007001

SUBJECT: Reply to a Notice of Violation

Sirs:

Our company acknowledges the receipt of the above referenced correspondence in which several violations are mentioned. Our reply to each violation, as named on your correspondence, is as follows:

Item A:

- The cause of this violation was mishandling of the documents by the technician working on the project.
- The program has been properly updated and documents had been made available to the personnel involved in the field, thus providing them actual information of safety key personnel contact information and procedures.
- New document control techniques have been developed in order to avoid a future occurrence of this violation and to give the tools to our main office to be in charge of this documentation, instead of field personnel. These techniques include an electronic database that will hold information of each update on any document and the required recurrence of these updates. An alarm will be set to three weeks before the deadline for any given action. This alarm will be set for every day afterwards until the required action is finished. In addition periodical internal audits are planned to verify compliance with requirements.
- A full compliance of this item has been achieved on March 31, 2008.

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Reply to a Notice of Violation
US Nuclear Regulatory Commission
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Item B:

- The cause of this violation was to not include a method for reminding the update of this documentation in case of changing the radiation safety officer.
- An electronic database will be developed to set an alarm any time a change in the Radiation Safety Officer information will require an update letter to be issued to the NRC. In addition, regular staff meeting and new hired supervisor training programs will discuss this of information.
- A letter was written to Marie Miller, Chief of Security and Industrial Branch at the US NRC, Region I, changing the license named Radiation Safety Officer to the actual officer, Eng. Hector Galarza.
- A full compliance of this item has been achieved on March 31, 2008.

Item C:

- The cause of this violation was miscommunication between the field officer and the office manager.
- As in item A, new document control techniques have been developed in order to avoid a future occurrence of this violation and to give the tools to our main office to be in charge of these procedures, instead of field personnel. These techniques include an electronic database that will hold information of each procedure's required recurrence. An alarm will be set to three weeks before the deadline for any given action. This alarm will be set for every day afterwards until the required action is finished. In addition periodical internal audits are planned to verify compliance with requirements.
- The nuclear gage was tested for leakage on April 7, 2008.
- A full compliance of this item has been achieved on same date.

Attached you will find copy of the Notice of Violation.

If further information is required, please feel free to contact me at 787-282-8224.

Cordially,



Luis Lugo-Sanchez
Comptroller

Cc. Eng. Edgard Iñesta

Attachments:

Copy of Leak Test
Notice of Violation
Previous Reply to Notice of Violation
Letter change of Radiation Safety Officer

Leak Test Record
NRC License 52-25430-01

Leak Tested For: S & R Engineering
Leak Tested By: David Rhoe
Standard Source: Cs-137 Lot 079
Standard Activity: 0.1 μ Ci Nominally
Date of Standard: Nov. 1, 1986
Date of Leak Test: 7-Apr-08
Decay Activity: 0.06094 From decay chart
Standard (dpm): 135286.8

Instrument: Beckman Gamma
Instrument Model Number: 5500
Instrument Serial Number: 8044788

Standard (cpm) 37972
Efficiency: 0.28068 28.1 %
Counting time (minutes) 1
Background (cpm) 120
Minimum Detectable Activity: 2.486E-05

Wipe (Smear) Test: All external or accessible surfaces of the source or housing are wiped with a piece of filter paper or other absorbent material which has been moistened with an appropriate solvent and the activity removed is measured.

	Gamma	
Source ID and Serial Number	Wipe Test	Sample Activity
Am-241 & Cs-137 SnM340707502	117	0.00019

This test reveals that 0.005 microcuries or less was present as removable contamination. Should the removable contamination exceed 0.005 microcuries, the source must be removed from use and necessary measures taken according to NRC regulations.


David Rhoe Health/Medical Physicist



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

January 31, 2008

Docket No. 03036569

License No. 52-30913-01

Luis Lugo
Office Manager
S & R Engineering S.E.
P. O. Box 29406
65th Infantry Station
San Juan, PR 00929

SUBJECT: INSPECTION 03036569/2007001, S & R ENGINEERING S.E., SAN JUAN, PUERTO RICO SITE AND THE TEMPORARY JOB SITE IN SAN GERMAN, PUERTO RICO, AND NOTICE OF VIOLATION

Dear Mr. Lugo:

On December 3, and 4, 2007, Sattar Lodhi of this office conducted a safety inspection at the above address and the temporary job site in San German, PR, 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 you and Edgard Inesta of your organization at the conclusion of the inspection and via telephone on January 28, 2008.

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.

Current NRC regulations are included on the NRC's website at www.nrc.gov ; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material; then Regulations, Guidance, and Communications**. The current Enforcement Policy is available at www.nrc.gov ; select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

L. Lugo

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Please contact Sattar Lodhi at (610) 337-5364, if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marie Miller".

Marie Miller, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/enclosure:
Edgard Inesta, Project Engineer
Commonwealth of Puerto Rico

NOTICE OF VIOLATION

S & R Engineering S.E.
San Juan, PR

Docket No. 03036569
License No. 52-30913-01

During an NRC inspection conducted on December 3 and 4, 2007, three violations of NRC requirements were identified, which were discussed during an exit meeting on January 28, 2008. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.2011(c) requires, in part, that a licensee periodically (at least annually) review the radiation protection program content and implementation, and 10 CFR 20.2102(a)(2) requires, in part, that each licensee maintain records of audits and other reviews of the radiation protection program content.

Contrary to the above, the licensee did not periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee stated that the required reviews had not been performed and the licensee did not have any record to indicate that a review had been conducted in the last several years.

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

- B. Condition 12 of NRC License No. 52-30913-01 states that the Radiation Safety Officer for the license is Jose A. Cotto.

Contrary to the above, the Radiation Safety Officer named on the license left the licensee on November 13, 2006, and as of December 4, 2007, the licensee did not request amendment to the license to name a new Radiation Safety Officer.

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

- C. Condition 19 of NRC License No. 52-30913-01 requires, in part, that sealed sources be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 21.210 or under equivalent regulations of an Agreement State, and that records of leak test results maintained for five years. Registration Certificate No. CA0208D102S for the MC series portable gauge specifies leak test interval to be one year.

Contrary to the above, the licensee did not test for leakage one portable gauge at the specified intervals. Specifically, the licensee's records indicated that its MC series portable gauge (serial number M340707502) was last tested for leakage on July 26, 2004, and as of December 4, 2007, an interval of more than one year had elapsed and the licensee had not tested the portable gauge for leakage.

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

Notice of Violation
S & R Engineering S.E.

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Pursuant to the provisions of 10 CFR 2.201, S & R Engineering S.E. 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. 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 31st day of January 2008



April 4, 2008

**US Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415**

Att: Marie Miller
Chief Security and Industrial Branch
Division of Nuclear Materials Safety

Ref: License No. 52-30913-01

Dear Mrs. Miller:

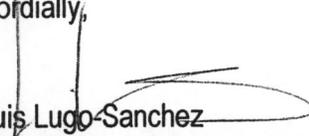
Our company acknowledge the receipt of your letter dated January 31, 2008 that mention several violations committed by our company in relation to license above.

Our company is pleased to informed that the following items are finally corrected.

1. Periodically review the Radiation Protection Program
2. Amendment of the name of Radiation Safety Officer
3. Review of leakage of portable gauge

If you have any doubts call us at 787-282-8224.

Cordially,


Luis Lugo-Sanchez
Comptroller-Office Manager



March 31, 2008

**US Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415**

Att: Marie Miller
Chief Security and Industrial Branch
Division of Nuclear Materials Safety

Ref: License No. 52-30913-01

Dear Mrs. Miller:

As part of our responsibility to keep you informed of every change that occur in relation to the license above, our company is informing that Mr. Jose Cotto is no longer our Radiation Safety Officer.

Our company is requesting and amendment to the license number replacing Mr. José Cotto with Mr. Hector Galarza (SSID-XXXXXXXXXX) who is performing this duty since November 2006.

If you have any doubts call us at 787-282-8224.

Cordially,


Luis Lugo-Sanchez
Comptroller-Office Manager

**PERSONAL INFORMATION WAS REMOVED
BY NRC. NO COPY OF THIS INFORMATION
WAS RETAINED BY THE NRC.**