



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

June 8, 2010

Docket No. 03020563

License No. 52-21368-01

Max Laracuenta-Bernat
President/Radiation Safety Officer
Western Soil, Inc.
P. O. Box 345
Mayaguez, PR 00681-0345

SUBJECT: NRC INSPECTION REPORT NO. 03020563/2010001, WESTERN SOIL, INC.

Dear Mr. Laracuenta-Bernat:

This letter refers to your April 15, 2010, correspondence, in response to our March 23, 2010, letter. Thank you for informing us of the corrective and preventive actions related to the five identified violations. These actions will be examined during a future inspection of your licensed program.

Based on our review of your response, we understand the cause of the violations may have been a lack of clear understanding of the regulatory requirements. Therefore, we are providing a detailed explanation of the applicable requirements. Specifically, your response to the violation A., described in our Notice of Violation (NOV) (enclosed) states that you replace worn out labels on transport containers every time a gauge is sent for maintenance. Please be reminded that the regulations require that the required labels on a transport container contain correct information and be legible when radioactive material is transported on public highways. In your letter dated March 10, 2010, you described your actions to correct this violation.

In your response to the violation B., you indicated that as corrective action for this violation, you will follow the guidance provided in NUREG 1556, Vol 1, Rev. 1 to conduct the inventory and include the required information in the records. The previous checklist in your annual audits did not address the required elements of Condition 15 of your license. **Condition 15 of your license requires that physical inventory be conducted every six months and the records include radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.** You did not conduct the required inventory every six months and the annual audit check list did not include the required information.

Your response to the violation C. stated that the leak tests were not performed on four gauges, because these gauges were in storage and were not required to be tested for leakage. Please note as discussed with Dr. Lodhi during the inspection, your records of use of gauges indicated that at least two of your actively used gauges were last leak tested in January 2008, and the next leak tests on these gauges were performed in March 2010, a period of more than two years had elapsed between the two leak tests. The CPN gauges are required to be leak tested at one year frequency. From your response we understand that you have established a leak test cycle for your actively used gauges starting from March 2010 and that the leak tests will be performed every year.

Regarding your response to violation D., you stated that you were unaware of the requirement to maintain a daily log sheet for use of your gauges. In your letter dated May 19, 2004, you committed to follow the operating and emergency procedures described in Appendix H of NUREG 1556, Vol. 1. These procedures require, in part, that you maintain record of use of each portable gauge; and the record include the date of use, name of the authorized user who was responsible for the gauge, the temporary job site where the gauge was used, and the date when it was returned to the storage.

Please feel free to call Sattar Lodhi at (610) 337 5364, if you have any questions about the items discussed in this letter. Your cooperation with us is appreciated.

Sincerely,

Original signed by Craig Z. Gordon For

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

Enclosure:

NRC Letter dated March 23, 2010, including Notice of Violation

cc w/o encl:

Commonwealth of Puerto Rico

Regarding your response to violation D., you stated that you were unaware of the requirement to maintain a daily log sheet for use of your gauges. In your letter dated May 19, 2004, you committed to follow the operating and emergency procedures described in Appendix H of NUREG 1556, Vol. 1. These procedures require, in part, that you maintain record of use of each portable gauge; and the record include the date of use, name of the authorized user who was responsible for the gauge, the temporary job site where the gauge was used, and the date when it was returned to the storage.

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Marie Miller, Chief
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