



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

August 15, 2016

EA-16-161

Luis Garcia, P.E.
President
Geo Cim, Inc.
Amelia Distribution Center
Emma Street, Lot 26A
Guaynabo, Puerto Rico 00968-8007

**SUBJECT: NRC INSPECTION REPORT NO. 03020896/2016001, GEO CIM, INC.,
GUAYNABO, PUERTO RICO SITE, NOTICE OF VIOLATION, AND NOTICE OF
ENFORCEMENT DISCRETION**

Dear Mr. Garcia:

On June 7, 2016, Randolph Ragland of this office conducted a safety inspection at the above address and at a temporary job site located near PR-3, Fajardo, Puerto Rico. The inspection continued in-office until August 3, 2016, and 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 selective examination of representative records. The findings of the inspection were discussed with you and Rolando Dávila, of your organization by telephone at the conclusion of the inspection on August 3, 2016.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that four Severity Level (SL) IV violations of NRC requirements occurred. The violations involved the failure to: (1) consistently conduct sealed source leak tests as required by license condition and the certificate of registration for your portable gauges; (2) consistently lock portable gauges or have an outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position; (3) conduct recurrent hazardous materials training for authorized gauge users who are assigned to package and transport portable gauges; and (4) use a minimum of two independent physical controls that formed tangible barriers to secure a portable gauge from unauthorized removal, when the portable gauge was not under the control and constant surveillance of the licensee.

Regarding the failure to properly secure a portable gauge as required by 10 CFR 30.34(i), in accordance with NRC's Enforcement Policy, such violations are normally categorized at SL III and considered for escalated enforcement action. However, because: (1) one physical control existed to prevent loss or theft of the portable gauge; (2) you retained possession of the portable gauge; (3) the violation was isolated; and (4) no indication of programmatic weakness was identified, in accordance with the NRC Enforcement Guidance Memorandum (EGM) 11-004, "Interim Guidance on Dispositioning Violations of Security Requirements for Portable Gauges," the NRC is exercising enforcement discretion to categorize the violation as SL IV.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on NRC's Web site at: <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system, the Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC 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.

Current NRC regulations and guidance are included on the NRC's Web site at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

If you have any questions regarding this matter, please contact Randolph Ragland of my staff at (610) 337-5083.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety

Docket No. 03020896
License No. 52-17776-02

Enclosure:
Notice of Violation

cc w/Enclosure: Rolando Dávila, Radiation Safety Officer
Commonwealth of Puerto Rico

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on NRC's Web site at: <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system, the Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC 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.

Current NRC regulations and guidance are included on the NRC's Web site at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

If you have any questions regarding this matter, please contact Randolph Ragland of my staff at (610) 337-5083.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety

Docket No. 03020896
License No. 52-17776-02

Enclosure:
Notice of Violation

cc w/Enclosure: Rolando Dávila, Radiation Safety Officer
Commonwealth of Puerto Rico

DISTRIBUTION: B.Bickett

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L52-17776-02.2016001.doc.docx

ADAMS ACCESSION NUMBER: [ML16229A625](#)

<input checked="" type="checkbox"/> SUNSI Review		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	DNMS/RI	DNMS/RI	ORA/RI	DNMS/RI	
NAME	RRagland/rcr	BWelling/bdw	MMcLaughlin/mmm	JTrapp/jmt	
DATE	8/4/16	08/10/16	08/11/16	08/15/16	

NOTICE OF VIOLATION

Geo Cim, Inc.
Guaynabo, Puerto Rico

Docket No. 03020896
License No. 52-17776-02
EA-16-161

During an NRC inspection conducted on June 7, 2016, and continued in-office until August 3, 2016, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. NRC License 52-17776-02, Amendment 9, Condition 13.A, requires sealed sources to be tested at intervals not to exceed intervals in the certificate of registration issued by the Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. California Sealed Source and Device Registration No. CA0208D102S, for the MC Series PORTAPROBE specifies a leak test frequency of 1 year.

Contrary to the above, four CPN gauges that were used during the period from March 2015 – June 2015, had not been leak tested since March 2014, a period of greater than one year.

This is a Severity Level IV violation (Enforcement Policy Section 6.7).

- B. NRC License 52-17776-02, Amendment 9, Condition 16, requires each portable nuclear gauge to have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, on June 7, 2016, each portable nuclear gauge did not have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Specifically, three gauges out of 15 gauges (gauge numbers 3174, 2286, and 5412) stored in Geo Cim, Inc.'s gauge storage area did not have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.

This is a Severity Level IV violation (Enforcement Policy Section 6.7).

- C. 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material on public highways, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR Parts 171 through 180.

49 CFR 171.8 defines a hazmat employee, in part, as a person who is employed by a hazmat employer and who in the course of such employment directly affects hazardous materials transportation safety, including individuals who load, unload, or handle hazardous materials; prepares hazardous materials for transportation; are responsible for safety of transporting hazardous materials; and operate a vehicle used to transport hazardous materials. This regulation defines a hazmat employer, in part, as a person who employs or uses at least one hazmat employee on a full-time, part-time, or temporary basis; and who transports hazardous material in commerce.

49 CFR 172.704(c) requires, in part, that a hazmat employee receive initial training within 90 days after employment or a change in job function, and recurrent training at least once every three years.

Contrary to the above, from October 30, 2010, to June 7, 2016, Geo CIM did not provide recurrent hazardous material transport training to employees assigned to transport hazardous materials (i.e., portable nuclear gauges) at least once every three years.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

- D. 10 CFR 30.34(i) requires that each portable nuclear gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, from May 2016 – June 6, 2016, Geo Cim, Inc. did not use a minimum of two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges were not under the control and constant surveillance of the licensee. Specifically, the licensee stored a portable gauge in a locked box inside a locked trailer at a temporary job site; however, non-licensee personnel had key access to the trailer and utilized the trailer for equipment storage, thus, for short periods of time, Geo Cim, Inc. only employed one tangible barrier to prevent unauthorized removal of the portable gauge.

This is a Severity Level IV violation (EGM 11-004).

Pursuant to the provisions of 10 CFR 2.201, Geo Cim, Inc. 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

Notice of Violation
Geo Cim, Inc.

3

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.

Dated This 15th day of August 2016