

Partners

Luis Oscar García, MSCE, CE, PE
Carlos García Echevarría, MSCE, PE

Associate

Alejandro E. Soto, MS, PG

September 9, 2016

US NUCLEAR REGULATORY COMMISSION
ATTN: DOCUMENT CONTROL DESK
WASHINGTON, DC 20555

COPY to:
REGIONAL ADMINISTRATOR
REGION 1
2100 RENAISSANCE BLVD, SUITE 100
KING OF PRUSSIA, PA19406-2713

RE: "REPLY TO A NOTICE OF VIOLATION"
DOCKET NO. 03020896; LICENSE NO. 52-17776-02;
EA-16-161;
NRC INSPECTION REPORT NO. 03020896/2016001

This letter is in response to the Notice of Violation issued to Geo Cim, Inc. resulting from the inspection conducted on June 7, 2016 and continued in Office until August 3, 2016, by Mr. Randolph Ragland staff member of the Division of Nuclear Material Safety. Mr. Rolando Dávila, Geo Cim RSO, has fully participated and discussed with me the preparation of these responses.

No. 1 – NRC License 52-17776-02 – Amendment 9, Condition 13.A - Leak tests for the MC Series Portaprobe to be tested at intervals not to exceed the intervals in the certificate of registration issued by NRC under 10 CFR 32,210 or under equivalent regulations of an agreement State. For the California Sealed Source and Device Registration NO. CA0208D102S for the MC Series Portaprobe this is a leak test frequency of 1 year. Four CPN gauges were used during the period from March 2015 – June 2015 that had not been tested since March 2014, a period greater than 1 year.

1. **Reason for violation** – We normally conduct the leak tests at an even closer interval of 6 months. In this occasion, the interval date for testing unwillingly slipped our attention (the RSO, Mr. Rolando Davila, and myself). We attribute the reason for this slip to reductions in the volume of work in our firm due to the difficult economic situation of the construction industry in PR, which has caused reduction in personnel and thereby more duties and attention that the Lab Manager (also RSO) has had to undertake in other matters, such as handling the drilling equipment maintenance in our office.

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2. **Corrective Steps already taken and results achieved** – The leak tests have been tested at approximately the 6 month intervals we had set for testing, since the one we missed and the next ones are to be made in October 2016.
3. **Corrective Steps that will be taken to avoid future violations** – The steps are to write down in the respective Calendars of the RSO, the RSO’s administrative assistant, and mine, the due dates for the subsequent leak test dates, with multiple forms of reminders (text notifications, email notifications, weeks before in the Calendar reminders) so that we will not miss the testing date again. Pay more attention to the Audit checklist as well, which establishes the leak test interval.
4. **Date when full compliance will be achieved** – We have achieved full compliance since the missed tests we had, and now look forward to continuing under the corrective steps procedure discussed above.

No. 2 - NRC License 52-17776-02 – Amendment 9, Condition 16 – Each Gauge to have a Lock or Outer Locked container to prevent unauthorized or 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 direct surveillance of an authorized user. In the inspection on June 7, 2016, 3 gauges out of 15 stored at Geo Cim’s gauge storage area did not have a lock or outer locked container as required.

1. **Reason for violation** – Because some of these gauges have been in storage at this location, and they are not being used, we should have checked for compliance with this requirement. We had been assuming that since they were properly locked in the storage area with two tangible barriers at all times, inside a small warehouse/closet area of our office building, they were in compliance. Most of the gauges met the storage locking requirement but 3 were not in compliance.
2. **Corrective Steps already taken and results achieved** – The missing lock in the gauge or the container has already been installed. We inspected all gauges in storage to verify that source is properly locked.
3. **Corrective Steps that will be taken to avoid future violations** – We will be more attentive to this locking requirement to have the lock either in the rod of the sealed source or in the container or both. Check the ones not in use in the storage area as part of the inventories conducted every 6 months when we also do the leak tests. We will review periodically with each technician/user to keep source locked for transportation and when not in use.

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4. **Date when full compliance will be achieved** – The corrections have been made to date and therefore we are in compliance.

No. 3 – 10 CFR 71.5 - (a) – requirement, in part, that each licensee who transports licensed material on public highways, shall comply with DOT regulations in CFR parts 171 -180 – requiring, in 172.704(c), Hazmat training for hazmat employees within 90 days after initial employment and recurrent training at least once every 3 years. Geo Cim missed the 3-year training interval and from 1/30/2010 to 6/7/2016 did not provide the training as required to the employees that transport the portable nuclear gauges.

1. **Reason for violation** – This training interval was missed, again for reasons similar to expressed in the first violation, the RSO being involved with other duties and although in the back of the mind to carry out this recurrent training the due date slipped. To an extent, without being an excuse, the portable gauge operators have been with us for many years, and therefore, they are experienced and very conscious of the safety requirements of the use of the nuclear portable gauges.
2. **Corrective Steps already taken and results achieved** – We have purchased a Hazmat training course, and we have been using it as a guideline for translation into a Spanish version for our use, to provide the training to our portable gauge users in Spanish. An initial training session has been conducted with two of our employees, however, we plan to have a full Hazmat recurrent/refresher session with the current portable gauge users subject to hazmat training on Saturday 9/17/2016 and if any remaining material has to be covered, it will be done by the following Saturday 9/24/2016. The objective is to have all Hazmat re-training requirements and the test to verify the satisfactory completion of the training completed by the end of the month of September 2016
3. **Corrective Steps that will be taken to avoid future violations** – We will write down in our respective Calendars and Audit, as outlined in part 1.3 above, to provide us timely reminders of the upcoming due date for the re-training on Hazmat handling and safety.
4. **Date when full compliance will be achieved** – September 30,2016

No. 4 – 10 CFR 30.34 (i) – Requirement to use a minimum of two independent physical controls to secure portable gauges from unauthorized removal, when they are not under the control and constant surveillance of the licensee. This requirement was not complied with from May 2016 to June 6, 2016, due to storing a portable gauge in a locked box inside a locked trailer at a temporary project site; however, non-licensee personnel had key access to the trailer and used it for equipment storage, for short periods of time. Thus for these short periods of time the Geo Cim Box with 1 lock was the only tangible barrier to prevent unauthorized removal of the portable gauge, as the trailer lock tangible barrier did not count as the second one.

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1. **Reason for violation** – This case is one in which we understood we were complying with the two tangible barriers, the one in the temporary steel storage box and the one in the warehouse trailer, since the times the other users used the trailer to pick up and store equipment storage were very short times. For purposes of overnight storage, we were conscious that two tangible barriers were effectively in place. Evidently, it was a mis-interpretation on the portable gauge user and on our part. However, it was corrected as soon as it was pointed out at the inspection.
2. **Corrective Steps already taken and results achieved** – As soon as we were notified, we placed the second lock on the steel box inside the trailer where the portable gauge is stored when not in use. The box has the latch to place a second lock. So the box has the two tangible barriers to safely prevent the removal of the portable gauge by an unauthorized user. The third lock is also in place, the trailer lock, but as discussed above, this one does not qualify if other construction workers enter the trailer to remove/store equipment.
3. **Corrective Steps that will be taken to avoid future violations** – We are now fully aware of the 2 independent lock (tangible barriers) requirement and will endeavor to keep it in compliance. This requirement will be discussed with the technicians (portable gauge users), to keep them reminded regularly, and so that they will be fully aware of the need to use the 2 independent locks.
4. **Date when full compliance will be achieved** – This was complied with by the portable gauge user immediately during the inspection and we are now in full compliance as of this date.

Overall, we want to reaffirm our commitment to comply with the safety requirements that are an inherent part of the use of the nuclear portable gauges. Even when we have had these violations noted, we want to express that we are conscious of the responsibility of using these gauges safely. We have been using them since the founding of Geo Cim, in 1981 and do not recall having had any major safety problem (incident) with the gauges. Most of the staff that uses these gauges has been with us for many of these years since our founding and are also very much aware of the safety responsibilities of the use of the gauges. We will now concentrate on making sure these violations are not repeated and establish better mechanisms to remind us of the upcoming due dates of retraining, and leak testing.



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Please contact us again if further discussion or questions come up regarding our responses.

Sincerely,

GEO CIM, INC.

A handwritten signature in black ink, appearing to be "Luis O. Garcia".

Luis O. García, P.E.

C: Mr. Rolando Dávila, RSO

<https://d.docs.live.net/3734b9e3a49994be/Documents/NUCLEAR REGULATORY COMMISSION/NOTICE OF VIOLATION 8-15-2016/GCI RESPONSE TO NOTICE OF VIOLATION.doc>