



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

January 24, 2019

José Ignacio Carro
President
Construcciones José Carro, S. E.
P. O. Box 800508
Coto Laurel, Puerto Rico 00780-0508

**SUBJECT: NRC INSPECTION REPORT NO. 03037873/2018001, CONSTRUCCIONES
JOSÉ CARRO, S.E., COTO LAUREL, PUERTO RICO, AND NOTICE OF
VIOLATION**

Dear Mr. Carro:

This letter refers to the inspection conducted on December 10, 2018, at your Capitanejo Ward, Ponce, Puerto Rico facility, and on December 12, 2018, at a temporary job site located at Hospital HIMA, San Pablo, Caguas. The inspection continued in-office until January 22, 2019. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. The findings of the inspection were discussed by telephone with you at the conclusion of the inspection on January 22, 2019.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC. Also, Item A as listed in the Notice is a repeat violation that was identified during the previous inspection of your licensed program. This was documented in the Notice enclosed with our letter dated February 12, 2014 (ADAMS accession No. ML14049A496). The current violation for the failure to perform annual audits is of concern, because your preventative actions were not effective in preventing recurrence and indicate a lack of attention to detail. The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Because of the potential for radiation exposure to employees and the public which could result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document 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.

If you have any questions regarding this matter, please contact Randolph Ragland of my staff at 610-337-5083 or via electronic mail at Randolph.Ragland@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

Monica L. Ford, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 030-37873
License No. 52-31348-01

Enclosure:
Notice of Violation

cc w/Encl: Jeanette L. Nieves, Radiation Safety Officer
Commonwealth of Puerto Rico

NRC INSPECTION REPORT NO. 03037873/2018001, CONSTRUCCIONES JOSÉ CARRO, S.E., COTO LAUREL, PUERTO RICO, AND NOTICE OF VIOLATION DATED January 24, 2019

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NOTICE OF VIOLATION

Construcciones José Carro, S. E.
Coto Laurel, Puerto Rico

Docket No. 030-37873
License No. 52-31348-01

During an NRC inspection conducted on December 10 and 12, 2018, and continued in-office until January 22, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) states, "The licensee shall periodically (at least annually) review the radiation protection program content and implementation."

Contrary to the above, between February 2014 and December 2018, Construcciones José Carro, S.E., did not periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee had not performed annual reviews of the radiation protection program content and implementation.

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

- B. Condition 16, Amendment 2, of NRC License No. 52-31348-01, requires Construcciones José Carro, S.E., to maintain a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position, when the gauge is not under direct surveillance by an authorized user.

Contrary to the above, Construcciones José Carro, S.E., did not maintain a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position, when the gauge was not under direct surveillance by an authorized user. Specifically, four of six Seaman nuclear density gauges were stored without a lock or outer locked container.

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

Pursuant to the provisions of 10 CFR 2.201, Construcciones José Carro, 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,

Enclosure

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 of receipt.

Dated This 24th day of January 2019