



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

January 8, 2020

Luis Ferrao Delgado, Chancellor
Univeristy of Puerto Rico
Rio Piedras Campus
P.O. Box 23305
San Juan, PR 00931

**SUBJECT: UNIVERSITY OF PUERTO RICO – RIO PIEDRAS CAMPUS - NRC
INSPECTION NO. 03001183/2019001 AND NOTICE OF VIOLATION**

Dear Mr. Delgado:

This letter refers to the inspection conducted on November 5, 2019 at the Rio Piedras Campus in San Juan, Puerto Rico with additional in-office follow-up. 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. An exit meeting was held with Warner Guzman and Lymari Orellana on December 12, 2019 via telephone to discuss the results of the inspection.

Based on the results of this inspection, the NRC has determined that three 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.

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 Jonathan Pfingsten of my staff at 610-337-5170 or via electronic mail at Jonathan.Pfingsten@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 030-01183
License No. 52-01986-04

Enclosure:
Notice of Violation

cc w/Encl: Warner Guzman, Radiation Safety Officer
Commonwealth of Puerto Rico

UNIVERSITY OF PUERTO RICO – RIO PIEDRAS CAMPUS - NRC INSPECTION NO.
03001183/2019001 AND NOTICE OF VIOLATION DATED January 8, 2020

DOCUMENT NAME: G:\WBL Documents\WBL Inspection Letter\L52-01986-04.2019001.NOV.docx

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NOTICE OF VIOLATION

University of Puerto Rico
Rio Piedras Campus
San Juan, Puerto Rico

Docket No. 030-01183
License No. 52-01986-04

During an NRC inspection conducted on November 5, 2019, and continued in-office until December 12, 2019, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 11 of NRC License Number 52-01986-04 states, in part, that licensed material listed in Subitems 6.H shall be used by or under the supervision of specific individuals listed as Authorized Users.

Contrary to the above, the licensed material listed in Subitem 6.H was not used by or under the supervision of the specific individuals listed as Authorized Users. Specifically, the licensed material listed in Subitem 6.H was being used by an unauthorized user not operating under the supervision of any of the Authorized Users. The unauthorized user is qualified to utilize the material but has not received NRC approval for use of this material under NRC License 52-01986-04.

This is a Severity Level IV violation (Section 6.3)

- B. 10 CFR 20.1101(c) requires that the licensee periodically (at least annually) review the radiation safety program content and implementation.

Contrary to the above, for calendar year 2018, the licensee failed to periodically (at least annually) review the radiation safety program content and implementation. Specifically, the licensee failed to perform an annual review of the radiation safety program content and implementation during calendar year 2018.

This is a Severity Level IV violation (Section 6.3)

- C. License Condition 18 of NRC License 52-09186-04 states, in part, that the licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, from July 31, 2018 through October 3, 2019, the licensee failed to conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Specifically, the licensee has been performing the inventory on approximately an annual basis instead of the required six-month frequency. This is a repetitive violation in that licensee had not performed an inventory every six months as required by License Condition 18 and committed to as a corrective action to the Notice of Violation issued in Inspection Report 03001183/2015001.

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

Pursuant to the provisions of 10 CFR 2.201, University of Puerto Rico Rio Piedras Campus 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 of receipt.

Dated This 8th day of January 2020