



SAN JUAN CEMENT CO., INC.

TEL 721-5878 / GPO BOX 2888, SAN JUAN, PUERTO RICO 00936
MAIN OFFICE — TELEX DIAZ CEM 385-9262 TEL 764-1000, FAX 758-0716

April 24, 1990

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

REPLY TO A NOTICE OF VIOLATION

Docket No. 030-31302

License No. 52-25066-01

EA 90-016

Sirs:

As per the Notice of Violation and proposed imposition of Civil Penalty, dated, March 28, 1990, we hereby admit the violations enumerated A through E.

The root cause reasons for the violations were as stated in the enforcement conference held on February 7, 1990 due to:

- 1) Inadequate communication between Polysius, the prime contractor for the conversion of the plant from wet-process to dry process, Ohmart, the radiation equipment manufacturer and San Juan Cement Staff members involved in the licensing process.
- 2) Inadequate knowledge on the part of San Juan Cement staff regarding radiation safety and regulations.
- 3) Procrastination on the part of San Juan Cement staff regarding the final location of the nuclear devices for storage.
- 4) Lack of communication between San Juan Cement staff members and management regarding the actions to be taken during the application and obtainance of license

The corrective steps that have been taken are as follows:

- A) Failure of authorized individual to supervise licensed activities: During the enforcement conference held on February 7, 1990, NRC was informed that arrangements had been made with Ohmart Radiation Safety School to send the designated Radiation Officer to the Ohmart Training Center in Cincinnati, Ohio during March 6-9, 1990.

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NMSS LIC30
52-25066-01 PDC

PLANT LOCATION: KM 26.7 STATE HIGHWAY NO 2, DORADO, PUERTO RICO
PLANT — TELEX SJ CEM 385-9263

*IE/4 w/check
1/0 \$ 750.00
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However, Ohmart's Training Coordinator later on, sent a proposal to conduct a technical training course wherein a group of seven or more could be trained in our plant facilities. This alternative has been accepted and has been scheduled for the third week of September.

This will permit us to train at least 8 persons. Should unforeseen events prevent the designated radiation officer from performing his duties, we can readily assign another person for the position. Whereas, if there was only one trained person, the company would be in a tight spot again.

At the present and for a few months after September 1990 the devices are under lock and key in a safe which will be opened only when Ohmart technicians arrive at the plant to install the devices in accordance with license requirements. Since the sources are now in storage they need not be tested.

A copy of the proposal and internal memos regarding training are enclosed.

- B) Failure to secure licensed material from unauthorized removal: This condition has been completely abated. The devices are now locked in a safe box (Mosler) and the periphery has been provided with a caution rope and radiation signs hanging from the rope. The rope is at one meter distance from the safe box. A copy of NRC Form 03 - Notice to Employees has been posted on the surface of the safe box. Posted also is a notice that the license and other documents be examined at the Safety Department as well as a "Radiation Caution" sign.
- C) Creation of excess radiation levels in unrestricted area: This condition has been completely abated since devices are in a permanent restricted storage area as described in A and B above.
- D) Failure to perform radiation survey: This condition has been completely abated. Mr. Santiago Gómez has been retained as our radiation physics consultant. His first radiation survey was performed February 3, 1990, the results of which were submitted during the enforcement conference of February 7, 1990.



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As indicated during the enforcement conference, the company ordered a geiger counter from S.E. International Instrumentation Division. The equipment has arrived and was checked and calibrated by Mr. Gómez.

- E) Failure to post parts 19, 20, License and Form NRC-3 and operating procedures. This condition has been completely abated. Form NRC-3 has been posted on all bulletin boards as well as a notice indicating that parts 19, 20, license and operating procedures can be examined at the Safety Department.

The initial corrective step was to provide a controlled storage area for the devices in a safe box, thereby providing an efficient access control to the devices themselves as well as a satisfactory control of stray radiation emitted by the devices.

Our main corrective step will be achieved by September when the radiation safety training seminar is concluded. By then we will have engineers, supervisors and technicians that are directly involved with these devices adequately trained in their safe handling.

By the beginning of October we expect to be in full compliance with requirements indicated in this notice of violation.

In accordance with the instructions indicated by Mr. Stewart D. Ebner, Regional Administrator - Region II in his letter of April 3, 1990, we are hereby describing the corrective and preventive actions undertaken upon the discovery of unused radioactive sources in our facilities.

The corrective actions were as follows: An immediate investigation was initiated, the radiation sources were identified and located. They were then transferred to where our new radiation sources are stored until removal from our premises is performed.

A leak test was then performed by our consultant for each device and the vicinity of the storage area to ascertain that radiation levels were within acceptable limits. Then, in accordance with NRC information Notice No. 90-01 a report was submitted to NRC-Region II.

Arrangements for final disposal by Ohmart Corp. and Kay-Ray Inc. were made. Before sending them however, we awaited for NRC comments to our report. These comments (NRC letter dated April 3, 1990) were received April 10, 1990 and have been incorporated in this notice of violation.



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Please be assured that we will make all possible efforts to henceforth be in full compliance with NRC requirements as stated in the license.

Very truly yours,

Radamés Torres
Safety & Environmental
Engineer