

JAN 30 1991

ENCLOSURE

NOTICE OF VIOLATION

Soil and Materials, Inc.
San Juan, Puerto Rico

Docket No.: 030-17121
License No.: 52-19193-01

During an NRC inspection conducted on December 26, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violations are listed below:

- A. License Condition No. 12 requires that licensed material be used by, or under the supervision and in the physical presence of, a specified individual or individuals who have completed the Campbell Pacific Nuclear Training Course given by the manufacturer or Brainard-Kilman Drill Company. Copies of the certificate of training for each user shall be maintained by the licensee.

Contrary to the above, during the period September - December 1990, the licensee allowed an individual to perform licensed activities without the required training.

This is a Severity Level IV violation (Supplement VI).

- B. License Condition No. 18 requires, in part, that the licensee conduct its program in accordance with the statements contained in a letter to the NRC dated May 25, 1990. The licensee's letter dated May 25, 1990, Item 6, requires that all personnel authorized to use the gauges be provided with procedures for proper storage of the device when not in use or under surveillance of the users. The licensee's procedure for proper storage of the device when not in use or under surveillance of the user requires that the sealed source be locked in the safe position and kept in a locked carrying case.

Contrary to the above, on December 26, 1990, the licensee stored a gauge with the source not locked in the safe position in an unlocked carrying case.

This is a Severity Level IV violation (Supplement VI).

- C. 10 CFR 71.5 requires each licensee who transports licensed material outside the confines of its plant to comply with the applicable requirements of the regulations appropriate to the mode of transport of DOT in 49 CFR Parts 170 through 189.

1. 49 CFR 172.200 requires each person who offers a hazardous material for transport to describe the hazardous material on a shipping paper in the manner required by this subpart.

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Contrary to the above, between at least 1988 and December 26, 1990, the licensee did not describe the licensed hazardous material on shipping papers when the material was being transported on public highways.

This is a Severity Level IV violation (Supplement V).

2. 49 CFR 172.304 requires that required package markings be durable.

Contrary to the above, during the week of December 17, 1990, the licensee's package used to transport licensed material did not have durable markings in that the markings had faded and were illegible.

This Severity Level IV violation (Supplement V).

- D. License Condition No. 13.C requires, in part, that the licensee maintain records of leak test results for inspection by the Commission.

Contrary to the above, on December 26, 1990, the licensee did not maintain records of leak test results for the periods November 19, 1987 through April 18, 1989 and April 18, 1989 through March 30, 1990.

This is a Severity Level V violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Soil and Materials, 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 II, 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. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause 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.

FOR THE NUCLEAR REGULATORY COMMISSION



J. Philip Stohr, Director
Division of Radiation Safety
and Safeguards

Dated at Atlanta, Georgia
this day of January 1991