



MACIA CONSULTING ENTERPRISES, INC.

Corporate Headquarters:

2038 Route 376, Suite 1 • Poughkeepsie, NY 12603
Telephone: (845) 462-2354 • Facsimile: (845) 462-2694

NYC Laboratory

2253 Light Street • Bronx, NY 10466
Telephone: (718) 324-6707 • Facsimile: (718) 324-7030

April 18, 2001

Mr. George Pangburn - Director
Division of Nuclear Materials Safety
US Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

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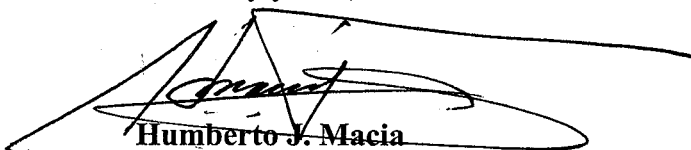
Subject: Confirmatory Action Letter No. 01-001

Dear Mr. Pangburn:

As per my discussion with Pamela Henderson of your office and as indicated in your letter of April 13, 2001 and Confirmatory Action Letter No. 01-001 of the same date, I would like to inform you that as of today, I have completed the actions addressed in the Confirmatory Action Letter No. 01-001.

Please refer to the attached letters that address the Items 1a, 1b, 1c and Item #2.

Sincerely yours,



Humberto J. Macia
Radiation Safety Officer

HM/im
Attachments

cc.: State of New York, Department of Labor
Division of Safety and Health

NY-2823-4060/YR 2001-001
NMSS/RGN-004



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Memorandum

Date: April 11, 2001
To: Kenneth Held
Vicente Magistrado
From: Humberto J. Macia, RSO
Re: **Nuclear Density Gauge Regulations**

As trained and certified nuclear density gauge technicians, you have been instructed during your yearly training and subsequently advised on many occasions that you are mandated to comply with the rules and regulations necessary for the privilege of operating nuclear density gauges.

It has come to my attention that on this date, a representative of the United States Nuclear Regulatory Commission came to the Continental Airlines project site to ascertain whether the nuclear density gauge technicians were complying with the regulations. As it turns out, the USNRC's visit raised concerns about the security and control of the nuclear density gauges. This is a serious issue for the USNRC, but for Macia Consulting Enterprises, Inc. and myself it is not only serious but also intolerable.

As you are aware, leaving the nuclear density gauges unattended seriously compromises safety. And, slightly less important, is the concern that an unattended machine can lead to theft – a situation that compromises the financial situation of Macia Consulting Enterprises Inc. – a small, minority owned and operated business.

Failure of a technician to comply with the rules and regulations required by the USNRC and any other governing agency can lead to fines and loss of Macia Consulting's license. In light of this, any technician who fails to comply with the rules and regulations will be subjected to the following consequences.

A first-time violation by a technician discovered by either myself or any other person of authority will force Macia Consulting Enterprises, Inc. to suspend the negligent technician for five business days without pay.

A second-time violation will not be tolerated, and Macia Consulting Enterprises, Inc. will be obligated to terminate with cause the technician's employment.

I shall be more than willing to entertain any of your concerns and/or questions relative to the matter.

Thank you.

CC: United States Nuclear Regulatory Commission
Thomas Mathew, Nuclear Density Gauge Technician
Azzam Hazim, Nuclear Density Gauge Technician
An-Tai Jao, P.E., M.S.E. – President
Victoria Buskirk Macia, M.S.W., CSW – VP/Director of Human Resources



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475 Allendale Road
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**Subject: Training to all gauge users on the requirements
for security and control of gauges**

Dear Mr. Pangburn:

As per my discussion with Pamela Henderson of your office and as indicated in your letter of April 13, 2001, paragraph 1 b, the training on the subject of security and control of gauges was performed on April 16, 2001 at 3:30 p.m. at our laboratory in the Bronx, NY. Present at this training were all our nuclear density gauge certified technicians - Thomas Mathew, Kenneth Held, Azzam Hazim, Vicente Magistrado and our laboratory President/Lab Director An-Tai Jao, M.S.E., P. E.

The following outlines the subjects covered at this nuclear gauge security and control training session:

1. Radiological Safety
2. Regulatory Requirements
3. Transportation and Shipment
4. Transportation Documents
5. Transportation Labeling
6. Radiation Safety Program
7. Gauge Certificates
8. Special emphasis was made in relation to the control of the gauges at all times.



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After this training session, there was a period of questions and answers in order to insure that there was full understanding of the issues contained in this training.

In addition, a full booklet was prepared and distributed to all of the technicians listed above who were present.

Sincerely yours,

Humberto J. Macia
Radiation Safety Officer

HM/im

cc: **State of New York, Department of Labor**
Division of Safety and Health



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April 18, 2001

**Mr. George Pangburn - Director
Division of Nuclear Materials Safety
US Nuclear Regulatory Commission
475 Allendale Road
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**Subject: Visit to Newark International Airport,
Continental Airlines Job Site**

Dear Mr. Pangburn:

As per my discussion with Pamela Henderson of your office and as indicated in your letter of April 13, 2001, paragraph 1 c, a visit to Newark International Airport, Continental Airlines job site was made on April 17, 2001 at 10:45 a.m. to conduct an audit on security and control of gauges.

At this visit, I met with each of the nuclear density gauge technicians present at the site; Azzam Hazim and Vicente Magistrado. In addition, I also met with overall safety manager of J.A. Jones-GMO, Paul DeMeio and Harry Braich, P. E. overall job supervisor for Macia Consulting Enterprises, Inc. Also, accompanying me to the job site was Thomas Mathew, laboratory manager of Macia Consulting Enterprises, Inc.

By conducting the audit on gauge security and control I insured the following:

- 1. License and certification requirements**
- 2. Review of all technicians records**
- 3. Personal monitoring badges**
- 4. Procedures (including observation of workers practices)**
- 5. Physical condition of gauges**
- 6. Transportation papers**
- 7. Insuring all transportation papers were within immediate reach of the driver**
- 8. Posting and labeling**



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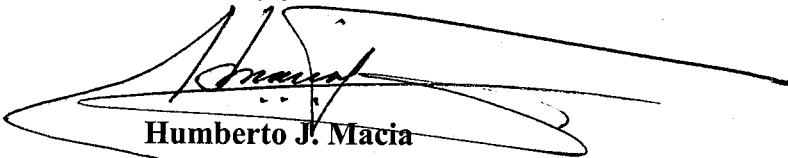
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The technicians had full control of the equipment at my arrival at the job site. Instructions were made to all of the technicians and our full time, overall supervisor Harry Braich, Professional Engineer, that the certified nuclear density gauge technicians are not to leave the nuclear density gauge equipment unattended - ever.

Sincerely yours,



**Humberto J. Macia
Radiation Safety Officer**

HM/im

**cc.: State of New York, Department of Labor
Division of Safety and Health**



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**Mr. George Pangburn - Director
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475 Allendale Road
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**Subject: Vicente Magistrado - Hazmat Certification
Training date - October 12, 1999
Expiration date - 6/22/02**

Dear Mr. Pangburn:

As per my discussion with Pamela Henderson of your office and as indicated in your letter of April 13, 2001, Item #2, a review of our records indicate that Vicente Magistrado was part of the yearly training that was provided to our nuclear density gauge technicians that took place on the following days:

**October 12, 1999
October 12, 2000
April 16, 2001**

On all of the above days, transportation training for Hazmat Certification was provided on the following subjects:

- 1. General transportation requirements**
- 2. Certification of competent authority**
- 3. Results of Type A, package testing**
- 4. Training required**
- 5. Emergency response sheet (telephone #'s)**
- 6. Bill of lading requirements**
- 7. RQ labeling requirements**
- 8. Locking or sealing of package**
- 9. Inspection of package prior to shipment**
- 10. Accident notification requirements**
- 11. Labeling**
- 12. Transportation in private vehicles**



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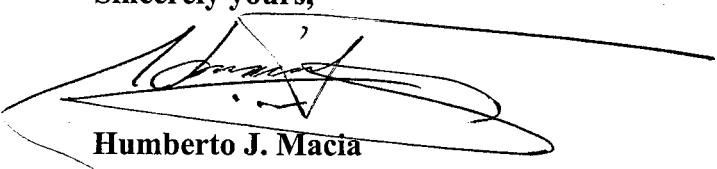
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After this training session, there was a period of questions and answers in order to insure that there was full understanding of the issues contained in this training.

In addition, a full booklet was prepared and provided to Vincent Magistrado.

The Hazmat Certification that will expire on 6/22/02 was provided based on the training of 10/12/99.

Sincerely yours,



Humberto J. Macia
Radiation Safety Officer

HM/im

cc.: State of New York, Department of Labor
Division of Safety and Health