



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931**

November 14, 2001

EA 01-241

Redondo/Entrecanales, S.E.  
ATTN: Mr. Miguel Heras  
General Manager  
P.O. Box 13974  
San Juan, Puerto Rico 00908-3974

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Heras:

This refers to the inspection conducted on August 30, 2001, at your Tren Urbano, de Diego Station, Río Piedras, Puerto Rico, temporary job site. The inspection was an examination of activities conducted as they relate to safety and compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of observations and interviews with personnel. At the conclusion of the inspection, the findings were discussed with Mr. Fernando Suárez, Vice President.

Based on the results of the inspection, the NRC has determined that a violation of NRC requirements occurred. The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is enclosed. The violation is cited in the enclosed Notice of Violation (Notice). Although appropriate safety measures were taken, we are concerned that between March 8, 2000, and August 31, 2001, you were in possession of byproduct material consisting of cesium-137 and americium-241 contained in three portable nuclear gauges without a license authorizing such possession. The materials were temporarily transferred to an authorized recipient on August 31, 2001, at our request.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. In addition to the response required by the Notice please notify us of whether you intend to obtain a valid license or how are you going to properly dispose of the licensed materials. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.



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NOV.wpd

## NOTICE OF VIOLATION

Redondo/Entrecanales, S.E  
San Juan, Puerto Rico

Docket No. 999-90002  
EA-01-241

During an NRC inspection conducted on August 30, 2001 a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.3 requires, in part, that no person receive, acquire, own, possess or use byproduct material except as authorized in a specific or general license issued pursuant to the provisions of 10 CFR 30.

Contrary to the above, between March 8, 2000 and August 31, 2001, Redondo/Entrecanales, S. E., owned and possessed byproduct material consisting of cesium-137 and americium-241 contained in three portable nuclear gauges without a specific or general license issued pursuant to the provisions of 10 CFR 30.

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

Pursuant to the provisions of 10 CFR 2.201, Redondo/Entrecanales, S. E., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 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: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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 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, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that

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you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 14th day of November, 2001