

(07-2012)  
10 CFR 2.201

## SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Earth Engineers, Inc. 4 Terrazas de Carraizo San Juan, Puerto Rico 00926 Physical Location: km 1.5 PR-843, Trujillo Alto, PR REPORT NUMBER(S) 2016001		2. NRC/REGIONAL OFFICE  U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713	
3. DOCKET NUMBER(S) 03038405	4. LICENSE NUMBER(S) 52-31427-01	5. DATE(S) OF INSPECTION Oct. 18 and Nov. 3, 2016	

## LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- ☐ 1. Based on the inspection findings, no violations were identified.
- ☒ 2. Previous violation(s) closed.
- ☐ 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s) and corrective action(s):

- ☒ 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11. (Violations and Corrective Actions)

10 CFR 71.5(a) requires that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

## Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	Marcos O. Arocho Ramirez, PE Geotechnical Engineer/President	<i>Marcos O. Arocho Ramirez</i>	11/07/16
NRC INSPECTOR	Michael Reichard	<i>Michael Reichard</i>	11/7/16
BRANCH CHIEF	Blake Welling	<i>Blake Welling</i>	11/7/16

SUNSI Review Completed By: / RA / Michael Reichard



Public



Non-Sensitive

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(Continued)

49 CFR 172.702(a) requires that a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.

49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by this subpart at least once every three years.

Contrary to the above, on October 18, 2016, the licensee did not provide training for its hazmat employees as required by Subpart H to 49 CFR Part 172, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8.

Specifically an authorized user transported hazardous materials on October 18, 2016. He last took the Hazardous Material training on August 30, 2013, which expired on August 30, 2016.

This is a Severity Level IV violation (6.3)

As a corrective action, the individual took the required training on October 18, 2016. The licensee provided the training certificate to the inspectors by email. As a comprehensive corrective action, the licensee committed to creating Outlook reminders for each authorized user, two months before the expiration date of the hazardous material training.