

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

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|---|-------------------------------------|--|--|
| 1. LICENSEE/LOCATION INSPECTED: Del Valle Group P.O. Box 2319 Toa Baja, Puerto Rico 00951-2319 | | 2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713 | |
| REPORT NUMBER(S) 2016001 | | | |
| 3. DOCKET NUMBER(S) 03038392 | 4. LICENSE NUMBER(S) 52-31423-01 | 5. DATE(S) OF INSPECTION Oct. 18, 20, 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)

1. 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 | Carmelo Calderon, Vice President Infrastructure Division |  | 11/9/2016 |
| NRC INSPECTOR | Michael Reichard |  | 11/7/16 |
| BRANCH CHIEF | Blake Welling |  | 11/14/16 |

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, during the period between May 26, 2016, and October 18, 2016, the licensee did not provide training for its hazmat employee as required by Subpart H to 49 CFR Part 172. Specifically the authorized user transported hazardous materials eight times between May 26, 2016, and October 18, 2016. He last took the required training on May 25, 2013, which expired on May 25, 2016.

This is a Severity Level IV violation (6.3)

As a corrective action, the authorized user took the required training on October 26, 2016. As a comprehensive corrective action, the licensee committed to creating an in-office tracking system that will track due dates for hazmat training and have their consultant that provides the hazmat training provide reminders for when hazmat training is due.

2. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, during the period between January 6, 2011, and October 18, 2016, the licensee did not periodically (at least annually) review the radiation protection program content and implementation. Specifically the licensee did not periodically (at least annually) review the radiation protection program content and implementation since the license was issued on January 6, 2011.

This is a Severity Level IV violation (6.3)

As a corrective action, the licensee had a consultant perform an annual audit of the radiation protection program on October 27, 2016. As a comprehensive corrective action, the licensee committed to creating an in-office tracking system that will track due dates for the annual audit of the radiation protection program and have their consultant provide reminders that the annual audit of the radiation protection program is due.

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3. License Condition 14A of Nuclear Regulatory Commission (NRC) Licensee 52-31423-01 states in part that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at intervals specified in the certificate of registration issued by the NRC under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

Certificate of registration WI-587-D-107-S states that the sealed source shall be tested for leakage at six month intervals.

Contrary to the above, between September 25, 2013, and September 12, 2016, the licensee did not perform leak tests at six month intervals on their gauges and the gauges were in use and not in storage.

This is a Severity Level IV violation (6.7)

As a comprehensive corrective action, the licensee committed to creating an in-office tracking system that will track due dates for performing leak checks every six months on the portable gauge and their consultant that performs analysis of the leak checks will also provide reminders that the leak checks are due.