



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

DEC 10 1992

Report No.: 52-17902-01/92-01

Licensee: Caribbean Soil Testing Company, Inc.
San Juan, PR 00936

Docket No.: 030-13612

License No.: 52-17902-01

Inspection Conducted: November 18, 1992 and December 3, 1992 (By Telephone)

Inspector: L. Franklin
L. Franklin, Radiation Specialist

12/9/92
Date Signed

Approved by: C. Hosey
C. Hosey, Chief
Nuclear Materials Inspection Section
Nuclear Materials Safety and Safeguards Branch
Division of Radiation Safety and Safeguards

12/1/92
Date Signed

SUMMARY

Scope:

This reactive, unannounced inspection was conducted to follow up on an incident involving a stolen nuclear gauge containing licensed material from a licensee's vehicle parked in front of the licensee's facility at Hato Rey, Puerto Rico.

Results:

A significant failure to maintain control over licensed material in an unrestricted area was identified during this inspection. Within the area inspected, the following apparent violations were identified:

- Failure to secure licensed material in an unrestricted area from unauthorized removal or to maintain the material under constant surveillance and immediate control of the licensee (Section 2).
- Failure to use chain and locks to secure the gauge to the truck (Paragraph 2).
- Failure to immediately report the theft of licensed material by telephone (Paragraph 3).

REPORT DETAILS

1. Persons Contacted

Licensee Employees

R. Negron, Technician (By Telephone)

*A. Vazquez Castillo, President

* Attended exit interview

2. Licensed Material Program (87100)

a. Material Control

10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that materials not in storage be under constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Based on an interview with the licensee's President and Radiation Safety Officer (RSO), the inspector determined that a portable moisture density gauge containing approximately 10 millicuries (mCi) of cesium-137 and 50 mCi of americium-241 was stolen at approximately 8:00 a.m. on October 23, 1992, in front of the licensee's facility in Hato Rey, Puerto Rico. The gauge had been placed in a pickup truck bed, with a camper shell, by an authorized user. As the user intended to go directly to a job site, he failed to lock the truck. While leaving the licensee's facility, the user remembered one additional item would be needed at the job site and left the truck parked in front of the licensee's facility. Upon returning to the pickup truck the user discovered that the gauge had been stolen and immediately reported this to his supervisor. The supervisor in turn reported the theft to the RSO. The licensee representative stated that the gauge, along with the shipping case, were recovered by the police and returned to the licensee on October 26, 1992. The licensee representative also stated that the gauge was still locked when it was recovered by the police.

Failure of the licensee to secure licensed material in an unrestricted area from unauthorized removal or to maintain the material under constant surveillance and immediate control of the licensee was identified as an apparent violation of 10 CFR 20.207.

- b. License Condition 16 requires that, except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the Application dated March 29, 1983 and Letters with attachments dated June 28, 1983 and July 20, 1988.

Section 2(d) of the letter dated July 20, 1988, states that, for security purposes, during transportation to the temporary job sites and/or when not in use, CPN Units are being chained and locked with padlocks in the truck's platform to prevent access and removal by unauthorized persons.

During a discussion with the licensee technician, the inspector determined that the technician failed to chain and lock the licensed material to the bed of the truck prior to transporting the gauge to a temporary job site on October 23, 1992. Failure to secure the gauge in the truck using chain and locks was identified as an apparent violation of License Condition 16.

- c. Reporting

10 CFR 20.402(a)(1) requires, in part, that each licensee report to the Commission, by telephone, immediately after it determines that a loss or theft of licensed material has occurred in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

During a discussion with the RSO, the inspector determined that immediate notification, by telephone, was not made to the Commission. Although, the licensee did report the theft to the NRC by letter dated October 23, 1992. The RSO stated that the report was not made by telephone because he did not know the NRC phone number. The inspector pointed out the phone numbers on the NRC-3 form which is clearly posted at the licensee's facility.

Failure to immediately report the theft of the gauge to the Commission by telephone was identified as an apparent violation of 10 CFR 20.402(a)(1).

- d. Corrective Actions

The licensee took prompt actions to recover the stolen material. The RSO notified the Commonwealth's radiological health office, the local police, and the device manufacturer. In addition, the RSO also notified a local news format radio station.

3. Exit Interview

The inspection scope and findings were summarized in an exit interview with the individual listed in Paragraph 1. The inspector reviewed the program area inspected and discussed in detail inspection findings listed in the report. Proprietary information is not contained in this report. The licensee acknowledged the NRC concerns and provided no dissenting comments relative to the apparent violations.

In a telephone conversation held on December 9, 1992, the inspector informed the licensee that failure of the technician to secure the gauge in the truck bed with chain and locks would be an apparent violation of License Condition 16.

ENCLOSURE 2

ENFORCEMENT CONFERENCE AGENDA

Caribbean Soil Testing Company, Inc.
San Juan, Puerto Rico

December 22, 1992
1:00 p.m.

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| I. | Introduction and Opening Remarks | NRC and Licensee |
| II. | Discussion of the Enforcement Policy | NRC |
| III. | Overview | NRC |
| IV. | Apparent Violations and NRC Concerns | NRC |
| V. | Licensee Presentation | Licensee |

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| VI. | NRC Followup Questions | |
| VII. | Closing Remarks | NRC/Licensee |