

NOTICE OF VIOLATION

San Juan Cement Company, Inc.
Dorado, Puerto Rico

Docket No. 030-31302
License No. 52-25066-01
EA 96-309

During an NRC inspection conducted on July 22, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG 1600, the violations are listed below:

- A. 10 CFR 20.1301(a)(2) requires that the licensee conduct operations so that the dose in any unrestricted area from external sources does not exceed 2 millirem in any one hour.

Contrary to the above, on July 22, 1996, licensee operations resulted in doses between 2 and 16 millirems in one hour in unrestricted areas in the vicinity of the licensee's nuclear gauges.

This is a repeat Severity Level IV violation (Supplement IV).

- B. 10 CFR 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present. 10 CFR 20.1301 limits radiation exposure to members of the public to 100 millirems per year, unless otherwise permitted.

Pursuant to 10 CFR 20.1003, survey means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation. Occupational dose means dose received while employed in assigned duties involving exposure to radiation.

Contrary to the above, as of July 22, 1996, the licensee had not made surveys to assure compliance with 10 CFR 20.1301(a)(1), which limits radiation exposure to members of the public. Specifically, the licensee had not evaluated whether any employee (none have assigned exposure duties) had been exposed to radiation doses in excess of the limits specified in 10 CFR 20.1301(a)(1), i.e., 100 millirem per year.

This is a Severity Level IV violation (Supplement IV).

Enclosure 1

Pursuant to the provisions of 10 CFR 2.201, San Juan Cement Company, Inc. is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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 for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or 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.

Dated at Atlanta, Georgia
This 11th day of October, 1996

Enclosure 1

LIST OF ATTENDEES

Predecisional Enforcement Conference
San Juan Cement Company, Inc.
September 27, 1996
Dorado, Puerto Rico

San Juan Cement Company, Inc.

A. Cartagena, Operations Engineer
V. Medina, Radiation Safety Officer

Nuclear Regulatory Commission

B. Mallett, Director, Division of Nuclear Materials Safety
(DNMS)
B. Uryc, Director, Enforcement and Investigation
Coordination Staff
C. Evans, Regional Counsel
H. Bermúdez, Senior Radiation Specialist, Materials
Licensing/Inspection Branch 2, DNMS