

September 10, 1996

EA 96-309

San Juan Cement Company, Inc.
ATTN: Mr. Roland Jolivet
Vice President, Operations
G.P.O. Box 366698
San Juan, Puerto Rico 00936-6698

SUBJECT: NRC INSPECTION REPORT NO. 52-25066-01/96-01

Dear Mr. Jolivet:

This refers to the inspection conducted on July 22, 1996, at your Dorado, Puerto Rico facility and subsequent reviews of records performed through September 4, 1996. Preliminary results of the inspection were discussed with you during an exit interview at the end of the inspection on July 22, 1996. On September 5, 1996, your Radiation Safety Officer was notified of the results of our review of our records to note whether a transfer of control of your license was requested and approved. The enclosed report presents the results of this inspection.

Based on the results of this inspection, three apparent violations were identified, one of which is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The violation being considered for escalated enforcement action involves the creation of excessive radiation levels in unrestricted areas. The other two violations involve the change in control over NRC-licensed activities without prior NRC approval and the failure to perform a radiation exposure evaluation in order to ensure that workers do not receive exposures in excess of regulatory limits. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference to discuss these apparent violations has been scheduled for September 25, 1996, at 1:00 p.m., at your facility. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that violations have occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violations sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers

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when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,







Bruce S. Mallett, Director
Division of Nuclear Materials Safety

Docket No. 030-31302
License No. 52-25066-01

Enclosures: Inspection Report
Excerpt from NRC Information Notice 96-28
Enforcement Policy: Section V, "Predecisional Enforcement Conferences"

cc w/encls: Commonwealth of Puerto Rico

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