



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931**

February 20, 2003

CAL No. 2-03-002

First Real Estate  
ATTN: Juan P. Irazarry  
Administrator  
P.O. Box 25070  
Rio Piedras  
San Juan, Puerto Rico 00928

**SUBJECT: CONFIRMATORY ACTION LETTER**

Dear Mr. Irazarry:

On February 11, 2003, individuals from the NRC Region II office conducted radiation measurements in your facility located at the Rincon Industrial Park, Road 735, Km. 2.3, in Cayey, Puerto Rico. These measurements were designed to detect the presence of removable radioactive material on various building and equipment surfaces. Several watch hands were also sent for analysis to determine if they contained tritium, a type of radioactive material. The individuals performing the measurements noted that there were hundreds of watch hands on the floor in the facility and several watches were found in cabinets in the facility.

Our initial analysis disclosed the fact that some of the watch hands contained tritium and that there was radioactive material present in the facility above the standard release limits. As discussed with you on February 11, 2003, this facility was formerly a location where the use of tritium was authorized; and the facility has not yet been released for unrestricted use. We are analyzing the data we have to determine the extent to which radioactive materials are present and should have more information by the end of February. Site specific analysis may allow us to release the facility for unrestricted use or some amount of remediation may be necessary.

Pursuant to a telephone conversation between you and Hector Bermudez and Orysia Masnyk Bailey, of the NRC Region II office on February 18, 2003, it is our understanding that you have agreed to keep the building secured, to restrict access to the building, and to ensure that nothing is removed from the building until the NRC has quantified the level of residual radioactive materials within the building.

You will be advised by telephone, with a follow up written inspection report, of the results of our deliberations including the survey results.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to notify me immediately if your understanding differs from that set forth above and if you are not able to maintain the building and its contents in a secured manner.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of NRC's "Rules of Practice," a copy of this letter and your response will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/ADAMS.html> (the Public Electronic Reading Room).

If you have any questions, please call Orysia Masnyk Bailey at (404) 562-4739.

Sincerely,

***/RA/ Ken Barr acting for***

Douglas M. Collins, Director  
Division of Nuclear Materials Safety

cc: Commonwealth of Puerto Rico

\*see previous concurrence

OFFICE	RII:DNMS	RII:DNMS	RII:DNMS	RII:EICS	HQ		
SIGNATURE	OMB 2/18/03	TRD 2/18/03	HB 2/18/03	CFE 2/18/03	TE 2/20/03		
NAME	OmasnykBailey*	TRDecker*	Hbermudez*	CFEvans*	TEssig*		
DATE	2/ /2003	2/ /2003	2/ /2003	2/ /2003	2/ /2003	2/ /2003	2/ /2003
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

