



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

April 12, 2011

Docket No. 03038434  
Control No. 574698

License No. 52-31435-01

Neftali Candelario Soto  
Radiation Safety Officer  
Rivero Construction Corporation  
P.O. Box 363407  
San Juan, PR 00936-3407

SUBJECT: RIVERO CONSTRUCTION CORPORATION, REQUEST FOR ADDITIONAL  
INFORMATION CONCERNING APPLICATION FOR AMENDMENT TO  
LICENSE, CONTROL NO. 574698

Dear Mr. Candelario Soto:

This is in reference to your application dated March 8, 2011 requesting an Nuclear Regulatory Commission License. In order to continue our review, we need the following additional information:

1. The drawing you provided of the storage location for portable gauges appears to show two independent physical barriers to control access to the portable gauges but this is not specifically mentioned. Please confirm that this area is setup to comply with 10 CFR 30.34(i). Additionally please provide greater detail on your physical barriers in the vehicle used to transport the gauge. The lock on the gauge box may not be adequate as one of the barriers if the box can be removed after opening the initial locking device. You need to have two independent barriers.
2. Please confirm that you will provide dosimetry processed and evaluated by a NVLAP-approved processor that is exchanged at a frequency recommended by the processor.
3. In your procedures for use of radioactive materials you indicate you **may** perform an initial radiation inspection to identify any equipment or facility problems. Please confirm that you **will** perform an equipment check.
4. In your procedures for use of radioactive materials you indicate that you will conduct a periodic radiation survey. Please confirm that you are referring to an annual audit.
5. Who will evaluate your leak tests? Please confirm leak tests will be performed by an organization authorized by NRC or an Agreement State to provide leak testing services to other licensees or using a leak test kit supplied by an organization authorized by NRC or an Agreement State to provide leak test kits to other licensees and according to the kit supplier's instructions.

6. Please confirm that you will perform a physical inventory of each nuclear gauge at least every 6 months.
7. Please confirm that you will develop, implement, and maintain operating and emergency procedures containing the following elements:
  - Instructions for using the portable gauge and performing routine maintenance, according to the manufacturer's recommendations and instructions;
  - Instructions for maintaining security during storage and transportation;
  - Instructions to keep the gauge under control and immediate surveillance during use;
  - Steps to take to keep radiation exposures ALARA;
  - Steps to maintain accountability during use;
  - Steps to control access to a damaged gauge; and
  - Steps to take, and whom to contact, when a gauge has been damaged.

Please also confirm you will provide copies of operating and emergency procedures to all gauge users and at each job site.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material; then Regulations, Guidance, and Communications**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 574698. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5303.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

Sincerely,

***Original signed by Thomas K. Thompson***

Thomas K. Thompson  
Senior Health Physicist  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

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**SUNSI Review Complete: TThompson**

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