

U.S. NUCLEAR REGULATORY COMMISSION**Date:** 7/29/2011**TELEPHONE CONVERSATION RECORD****Time:** 1300 hrs**Mail Control
or Report No(s).**

575125

License No(s). 52-31279-01**Docket No(s).** 03037552**Name of Licensee:** R & F Asphalt Unlimited, Inc.**Name of Participant(s):** Raul Robles, RSO
Scott Wilson, RI Health Physicist**Telephone No.** 787-284-3065**Subject:** Use of Enforcement Discretion

On May 12, 2011, a call was made to the licensee as part of the RI effort to identify possessors of NARM without proper licensing. During that call, the licensee stated that they possessed 3 portable nuclear density gauges containing radium. After being informed that their NRC license did not authorize the possession and use of the radium gauges, and of the need to amend their license, the licensee submitted an application for license amendment and their license was amended. This call was to inform the licensee of NRC's decision to use enforcement discretion regarding their possession of the gauges without an NRC license. The violation, the reason for discretion, and the fact that they will receive a letter from RI documenting the use of enforcement discretion were discussed with the licensee. The licensee was also informed that they do not need to respond to the letter.

NOTE: The previous telephone conversation record documented Mr. Robles as Juan Robles, which was incorrect. The correct name is Raul Robles.

The telephone conversation record for the previous call, on May 12, 2011, can be accessed from ADAMS, reference Accession #ML111370240.

Action Required: Document this telephone conversation in ADAMS in the RI NARM folder and in the Docket and License numbers above.

Document Availability:**Publicly Available****Non-Publicly Available****Non-Sensitive****Non-Sensitive Copyright****Sensitive- Proprietary****Sensitive – Privacy Act/ PII****Sensitive – Internal****Sensitive – Security-Related****Immediate Release****Normal Release Date:** 8/8/2011**Delayed Release Date:****SUNSI Review Completed By:** SWilson/ RA /**Document Accession #:** ML112130010