



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

November 24, 2014

Docket No. 03038487  
Control No. 580389

License No. 52-31452-01

Jose L. Torres Negrón  
President  
Hot Asphalt Paving, Inc.  
609 Tito Castro Avenue  
Suite 102, PMB 384  
Ponce, PR 00716-2232

**SUBJECT: HOT ASPHALT PAVING, INC., ACCEPTANCE OF NOTIFICATION OF  
CESSATION OF ACTIVITIES, CONTROL NO. 580389**

Dear Sr. Negrón:

This refers to your letter received September 3, 2014, informing us of your current inability to dispose of or transfer licensed material to an authorized recipient. We understand from your letter that you have not used the portable nuclear gauges since 2012, that portable nuclear gauges are no longer required for government contracts, and that your financial resources have decreased. Please note that your NRC license only authorizes storage, transfer, disposal, and decommissioning at this time. When transfer or disposal of your nuclear gauges is complete, you must request termination of your license in writing. An NRC Form 314, "Certificate of Disposition of Materials," is included for your use. The Certificate should include the date of the transfer, the name of the recipient, and the license number which authorizes possession of the portable nuclear gauges. Additional, a record of a test for removable contamination (leak or wipe tests) performed within the past six months should accompany the Certificate.

On July 24, 2014, we issued an Order to Hot Asphalt Paving, Inc., revoking the license effective August 13, 2014. The Order required you to submit a written report that includes: (1) a listing of all materials disposed of, transferred, or still in the possession of Hot Asphalt Paving, Inc., (2) a description of the conditions of storage of retained material and actions being taken to control access to the material, and (3) for any material not disposed of or transferred, a description of the actions taken to attempt to dispose of or transfer the material and why those actions were unsuccessful. As of this date, we have not received the report described above.

In your letter received September 3, 2014, you requested additional time so that you may sell and/or assign your nuclear gauges to an entity responsible for complying with all U.S. NRC requirements. Your description of the economic situation in Puerto Rico indicates that there would be an extremely limited market for your nuclear gauges. Since your license has been revoked, continued possession of licensed material could result in escalated enforcement action resulting in press releases and civil monetary penalties.

On November 5, 2014, I spoke with Ivan R. Ortiz Torres of your staff. Sr. Torres indicated that you still retained possession of the portable nuclear devices as you were having difficulty finding a buyer for the equipment. Options for disposal or transfer of your portable nuclear gauges may

J. Negrón

2

be found through contacting your consulting physicist who performs the removable contamination tests, contacting the Health Physics Society at [www.hps.org](http://www.hps.org) for local chapter representatives, the National Nuclear Security Administration's Off-Site Recovery Project at <http://osrp.lanl.gov>, or the Orphan Source Project at [www.crcpd.org](http://www.crcpd.org). Please contact me at 610-337-5075 or [steven.courtemanche@nrc.gov](mailto:steven.courtemanche@nrc.gov) to keep the Commission apprised of your progress or if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

***Original signed by Steve Courtemanche***

Steven Courtemanche  
Health Physicist  
Commercial, Industrial, R&D and Academic  
Branch  
Division of Nuclear Materials Safety

cc:  
Ivan R. Ortiz Torres, Radiation Safety Officer

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**SUNSI Review Complete: SCourtemanche**

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