



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

January 25, 2016

Docket No. 03037552

License No. 52-31279-01

Juan Raul Robles
Facility Manager
R & F Asphalt Unlimited, Inc.
P. O. Box 801028
Coto Laurel, PR 00780-1028

**SUBJECT: NRC INSPECTION REPORT NO. 03037552/2015001, R & F ASPHALT
UNLIMITED, INC., COTO LAUREL, PUERTO RICO AND NOTICE OF
VIOLATION**

Dear Mr. Raul Robles:

On December 4, 2015, John Miller of this office conducted a safety inspection at your facilities located at Carretera 14, Km 9.6, Coto Laurel, Puerto Rico of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed on the telephone with Moises Estrada of your organization at the conclusion of the inspection on January 15, 2016.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to perform a leak test of a sealed source at the required frequency.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC. Also, the violation listed in the Notice is a repeat violation that was identified during previous inspections of your licensed program. This was documented in the Notice of Violations enclosed with our letter dated January 10, 2013. Although we had verified that you took corrective action to address the previous violations, the current violation is of concern, because your preventative actions were not effective in preventing recurrence and indicate a lack of attention to detail. The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Because of the potential for radiation exposure to employees and the public, which could result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application.

During the inspection exit meeting on January 15, 2016, Moises Estrada, of your staff, stated that you have taken corrective and preventative actions to address the violation and that R & F Asphalt Unlimited, Inc., is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, he stated verbally that you have taken the following corrective and preventative actions:

- 1) You completed the required leak test of the source on December 16, 2015, and the results verified that the source was not leaking; and
- 2) You established a tickler system to assure that you will leak test the source when it is next required to be tested.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

J. Raul Robles

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Please contact John Miller at 610-337-5089 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake D. Welling, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Commonwealth of Puerto Rico

J. Raul Robles

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Please contact John Miller at 610-337-5089 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake D. Welling, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Commonwealth of Puerto Rico

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NAME	JMiller/jjm		BWelling/bdw					
DATE	01/22/16		01/25/16					

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NOTICE OF VIOLATION

R & F Asphalt Unlimited, Inc.
Coto Laurel, PR

Docket No. 03037552
License No. 52-31279-01

During an NRC inspection conducted on December 4, 2015 through January 15, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Condition 14.A of License 52-31279-01 requires, in part, that sealed sources be tested for leakage and/or contamination at intervals specified in the certificate of registration issued by the U.S. NRC under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Sealed Source & Device Registry No. CA0208D102S requires that the source for a CPN Model MC portable gauge be leak tested at intervals no longer than one year.

Contrary to the above, the sealed source in a CPN Model MC portable gauge was not tested for leakage and/or contamination for an interval longer than one year. Specifically, as of December 4, 2015, the sealed source in CPN Model MC portable gauge, Serial # MD00805856 was last leak tested on May 12, 2014, but had been used on the following dates: July 23 and September 1 & 2, 2015.

This is a Severity level IV violation (Enforcement Policy Section 6.7)

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation
R & F Asphalt Unlimited, Inc.

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 25 day of January, 2016