



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

March 9, 2017

Jorge Luis Diaz Irizarry, Owner
Betterroads Asphalt Corporation
P.O. Box 21420
San Juan, Puerto Rico 00928-1420

**SUBJECT: NRC INSPECTION REPORT NO. 03019320/2017001, BETTEROADS
ASPHALT CORPORATION, SAN JUAN, PUERTO RICO, AND NOTICE OF
VIOLATION**

Dear Mr. Diaz Irizarry,

On January 30, 2017, Randolph Ragland of this office conducted a safety inspection of your licensed activities at the Victoria Industrial Park, in Carolina, Puerto Rico, and temporary job sites in Caguas and Salinas, Puerto Rico. The inspection continued in-office until March 7, 2017. 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 were discussed with you and Miguel Gregori of your staff by telephone at the end of the inspection.

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 obtain written consent from the NRC prior to a change in control and ownership and is described in the enclosed Notice. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

During our inspection exit meeting on March 7, 2017, you stated that Betterroads Asphalt Corporation is committed to radiation safety and to compliance with NRC regulations and license conditions. Further, you explained that the transfer of ownership was to your son, Mr. Jorge Arturo Diaz Mayoral, who was associated with your licensed programs, and that you did not realize that you had to seek approval for a transfer of ownership to a family member. You stated that you now understand the requirement and reason for the requirement, and as a preventative action, you informed your son and the management of Puerto Rico Asphalt of the requirement.


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. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. If you contest this violation or its significance, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region I and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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.

Current NRC regulations and guidance are included on the NRC's Web Site 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 Web Site 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).

Please contact Randolph Ragland at 610-337-5083 if you have any questions regarding this matter.

Sincerely,



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

Docket No. 03019320
License No. 52-19845-01

Enclosure:
Notice of Violation

cc w/encl: Jorge Arturo Diaz Mayoral, President
Puerto Rico Asphalt
Miguel Gregori, Radiation
Safety Officer
Commonwealth of Puerto Rico

NOTICE OF VIOLATION

Betterroads Asphalt Corporation
San Juan, Puerto Rico

Docket No. 03019320
License No. 52-19845-01

During an NRC inspection conducted on January 30, 2017, and continued in-office until March 7, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b) requires, in part, that no licensee issued or granted pursuant to the regulations shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provision of the Act and shall give its consent in writing.

Contrary to the above, on September 23, 2016, the licensee performed a direct transfer of control of NRC license 52-19845-01, without receiving the Commission's consent in writing. Specifically, Puerto Rico Asphalt acquired all of the assets of Betterroads Asphalt Corporation. This constituted a direct change of control under 10 CFR 30.34(b), without prior NRC approval and consent in writing.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

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.

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

Dated This 9th day of March, 2017