



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

March 8, 2017

Jorge Arturo Diaz Mayoral, Owner  
Puerto Rico Asphalt, LLC  
P.O. Box 25252  
San Juan, PR 00928-5252

**SUBJECT: PUERTO RICO ASPHALT, LLC, CONSENT TO TRANSFER LICENSE AND  
LICENSE AMENDMENT, MAIL CONTROL NO. 592572**

Dear Mr. Diaz:

By letter dated December 12, 2016, Agencywide Documents Access and Management System (ADAMS) Accession No. ML16356A456, you requested written consent by the U.S. Nuclear Regulatory Commission (NRC) to a direct transfer of control of Betterroads Asphalt Corporation's NRC License, No. 52-19845-01, to Puerto Rico Asphalt, LLC. The letter described a new mailing address, and the addition of facilities at Canguas, Ponce, and Salinas, Puerto Rico. The letter stated, "This is to indicate the date that the sale is expected to occur on September 23, 2016." Your letter did not include the facility currently on the license located in Rio Pedras, Puerto Rico. A request for additional information was sent to you on January 5, 2017, ADAMS Accession No. ML17012A290. You responded in a letter dated February 9, 2017, ADAMS Accession No. ML17053B395 and stated the transfer date was on September 23, 2016, and provided the additional information to approve the unrestricted release of your facility in Rio Piedras, Puerto Rico. Thus, this was a request for post-hoc approval to transfer control and an amendment request to add new facilities, release a facility for unrestricted use, change the mailing address, and change the name of the licensee on the license. Betterroads Asphalt Corporation and Puerto Rico Asphalt, LLC did not comply with NRC regulations as they did not receive the NRC's prior written approval for this transfer of control as required by 10 CFR 30.34(b) and Section 184 of the Atomic Energy Act of 1954, as amended.

From the above letters, we understand that this transfer did not result in a change associated with the materials, persons using licensed material, or persons responsible for radiation safety at the licensed facility. We also understand from the letters that the name of the licensee will be changed to Puerto Rico Asphalt, LLC, the mailing address has changed, the locations of use have changed to include facilities at Canguas, Ponce, and Salinas, Puerto Rico, and that you request that the facility at Rio Piedras, Puerto Rico be released.

Based on the above understandings, as more fully detailed in the enclosed NRC staff's Safety Evaluation Report, which documents the NRC staff's safety review of the request, the NRC consents to the transfer and has amended the license as requested. Please find enclosed Amendment No. 14 authorizing a change of licensee to Puerto Rico Asphalt, LLC, new mailing address, new locations of use, and the commitments made associated with the transfer.

The facility located at Plant 1, St. Rd. 845, KM 1.6, Cupey Bajo, Rio Piedras, Puerto Rico may be released for unrestricted use.

An environmental assessment for this action was not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(viii), 10 CFR 51.22(c)(20)(ii), and 10 CFR 51.22(c)(21).

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If you identify any errors or if you have any questions, please contact me at 610-337-5366 or via electronic mail at [dennis.lawyer@nrc.gov](mailto:dennis.lawyer@nrc.gov) so that appropriate corrections or answers can be provided.

You will be periodically inspected by the NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action(s) against you. This could include issuance of a Notice of Violation, Imposition of a Civil Penalty, or an Order Suspending, Modifying, or Revoking Your License as specified in the NRC Enforcement Policy. The NRC Enforcement Policy is available at:  
<http://www.nrc.gov/reading-rm/doc-collections/enforcement/>.

An electronic version of the NRC's regulations is available on the NRC Web Site at: [www.nrc.gov](http://www.nrc.gov). Additional information regarding use of radioactive materials may be obtained on the NRC Web Site at: <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

The NRC's Safety Culture Policy Statement became effective in June 2011. While it is 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/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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web Site at: <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

/RA/

Dennis R. Lawyer, Health Physicist  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

J. Diaz

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License No. 52-19845-01  
Docket No. 03019320  
Mail Control No. 592572

Enclosure:  
Amendment No. 14  
Safety Evaluation

cc: Miguel Gregori Quiles, Radiation Safety Officer

J. Diaz

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cc: Miguel Gregori Quiles, Radiation Safety Officer

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SUNSI Review Complete: DLawyer

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