R & F ASPHALT
UNLIMITED, INC.
Producción y Venta de Asfalto
PO Box 301028
Coto Laurel, PR 00780-1026

L2

2012001

January 22, 2013

US Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

SUBJECT: REPLY TO NOTICE OF VIOLATION, NRC INSPECTION NO. 03037552/2012001, R & F ASPHALT UNLIMITED, INC., LICENSE NO. 52-31279-01, DOCKET NO. 03037552

On December 4, 2012, Mr. Randolph Ragland, of the NRC Region I office, conducted a safety inspection of our licensed program. Four (4) violations of NRC requirements were identified. The following is our Reply to the Notice of Violation, which includes our corrective and preventative actions.

Violation No. 1: Failure to Perform Gauge Leak Tests

Reason: Assumed all gauges had a one year frequency, when the C-200 gauges actually had a 6 month leak test frequency.

Corrective Steps: The gauges were leak tested on December 10, 2012. See the attached.

Steps to Avoid Future Violations: The test requirements have been placed on a scheduling calendar

Date when full compliance was achieved: December 10, 2012

Violation No. 2: Failure of a Gauge User to Wear Radiation Dosimetry

Reason: The gauge user forgot his dosimeter that day.

Corrective Steps: The gauge user retrieved his dosimeter, and an estimated dose was calculated for that day, and placed with the individual's dose record

Steps to Avoid Future Violations: We counseled the individual and held a meeting with all gauge users to emphasize the requirement to wear radiation dosimetry when handling the gauges

Date when full compliance was achieved: December 5, 2012

Violation No. 3: Failure to Maintain Shipping Documents Within Reach of the Driver

Reason: The gauge user forgot to remove the shipping paperwork from the gauge container and place it in the truck cab

Corrective Steps: Copies of the shipping paperwork were made and placed in the gauge containers and truck cabs of all vehicles used to transport gauges

Steps to Avoid Future Violations: We counseled the individual and held a meeting with the gauge users to emphasize the requirement to maintain shipping paperwork in the cab of the transport truck

Date when full compliance was achieved: December 5, 2012

Violation No. 4: Failure to Perform Annual Reviews of the Radiation Protection Program

Reason: Certain elements of the radiation protection program are informally reviewed on a routine basis; we assumed this was adequate. However, the entire radiation protection program was not formerly reviewed and documented during 2009, 2010, and 2011.

Corrective Steps: A review of the radiation protection program was performed in December 2012, using NUREG 1556, Vol. 1, Appendix F.

Steps to Avoid Future Violations: We placed the requirement to perform and document annual reviews of the radiation protection program content and implementation on a scheduling calendar.

Date when full compliance was achieved: December 21, 2012

We have attached copies of our leak test results for your review. We also would like to emphasize that we are committed to maintaining a safe program and complying with NRC requirements and regulations.

Sincerely,

Juan R. Robles
General Manager
R & F Asphalt Unlimited, Inc.

cc: Regional Administrator
NRC Region I
2100 Renaissance Blvd., Suite 100
King of Prussia, PA 19406

Leak Test Record
NRC License 52-25430-01

Leak Tested For:	R & F Asphalt	
Leak Tested By:	David Rhoe	
Standard Source (NIST tracable):	Cs-137 NES-139S	Am-241
Standard Activity (uCi):	0.105	1.145
Standard Date	09-Sep-88	15-Nov-98
Date of the Leak Test:	10-Dec-12	
Decay Activity uCi (from decay chart):	0.05996	1.11944
Standard (dpm):	133111.2	2485156.8
Instrument used to count wipe sample:	Beckman Gamma	
Instrument Model Number:	5500	
Instrument Serial Number:	8044788	
NIST Traceable Standard (cpm)	33700	86999
Counting Efficiency:	0.25	0.04
Counting Efficiency in percentage (%):	25.32	3.50
Counting time (minutes)	1	1
Background (cpm)	86	86
Minimum Detectable Activity:	2.333E-05	1.688E-04

Wipe (Smear) Test: All external or accessable surfaces of the source or housing are wiped with a piece of filter paper or other absorbent material which has been moistened with an appropriate solvent and the activity removed is measured.
Note: Background counts were not subtracted form wipe test sample to calculate sample activity.

			Gamma
Source ID and Serial Number	Wipe Test	Sample Activity	Sample Activity
CPN Am-241 & Cs-137 Sn00805856	82	0.00015	0.00106

This test reveals that 0.005 microcuries or less was present as removable contamination.
Should the removable contamination exceed 0.005 microcuries, the source must be removed from use and necessary measures taken according to NRC regulations.

David Rhoe Health/Medical Physicist

Leak Test Record
NRC License 52-25430-01

Leak Tested For:	R & F Asphalt	
Leak Tested By:	David Rhoe	
Standard Source (NIST tracable):	Cs-137 NES-139S	Am-241
Standard Activity (uCi):	0.105	1.145
Standard Date	09-Sep-88	15-Nov-98
Date of the Leak Test:	10-Dec-12	
Decay Activity uCi (from decay chart):	0.05996	1.11944
Standard (dpm):	133111.2	2485156.8
Instrument used to count wipe sample:	Beckman Gamma	
Instrument Model Number:	5500	
Instrument Serial Number:	8044788	
NIST Traceable Standard (cpm)	33700	86999
Counting Efficiency:	0.25	0.04
Counting Efficiency in percentage (%):	25.32	3.50
Counting time (minutes)	1	1
Background (cpm)	86	86
Minimum Detectable Activity:	2.333E-05	1.688E-04

Wipe (Smear) Test: All external or accessable surfaces of the source or housing are wiped with a piece of filter paper or other absorbent material which has been moistened with an appropriate solvent and the activity removed is measured.
Note: Background counts were not subtracted form wipe test sample to calculate sample activity.

			Gamma
Source ID and Serial Number	Wipe Test	Sample Activity	Sample Activity
Seaman C-200 L-482	74	0.00013	0.00095

This test reveals that 0.005 microcuries or less was present as removable contamination.
Should the removable contamination exceed 0.005 microcuries, the source must be removed from use and necessary measures taken according to NRC regulations.

David Rhoe Health/Medical Physicist

Leak Test Record
NRC License 52-25430-01

Leak Tested For:	R & F Asphalt	
Leak Tested By:	David Rhoe	
Standard Source (NIST tracable):	Cs-137 NES-139S	Am-241
Standard Activity (uCi):	0.105	1.145
Standard Date	09-Sep-88	15-Nov-98
Date of the Leak Test:	10-Dec-12	
Decay Activity uCi (from decay chart):	0.05996	1.11944
Standard (dpm):	133111.2	2485156.8
Instrument used to count wipe sample:	Beckman Gamma	
Instrument Model Number:	5500	
Instrument Serial Number:	8044788	
NIST Traceable Standard (cpm)	33700	86999
Counting Efficiency:	0.25	0.04
Counting Efficiency in percentage (%):	25.32	3.50
Counting time (minutes)	1	1
Background (cpm)	86	86
Minimum Detectable Activity:	2.333E-05	1.688E-04

Wipe (Smear) Test: All external or accessable surfaces of the source or housing are wiped with a piece of filter paper or other absorbent material which has been moistened with an appropriate solvent and the activity removed is measured.
Note: Background counts were not subtracted form wipe test sample to calculate sample activity.

Source ID and Serial Number	Wipe Test	Gamma Sample Activity	Gamma Sample Activity
Seaman C-200 L-442	98	0.00017	0.00126

This test reveals that 0.005 microcuries or less was present as removable contamination.
Should the removable contamination exceed 0.005 microcuries, the source must be removed from use and necessary measures taken according to NRC regulations.

David Rhoe Health/Medical Physicist

Leak Test Record
NRC License 52-25430-01

Leak Tested For:	R & F Asphalt	
Leak Tested By:	David Rhoe	
Standard Source (NIST tracable):	Cs-137 NES-139S	Am-241
Standard Activity (uCi):	0.105	1.145
Standard Date	09-Sep-88	15-Nov-98
Date of the Leak Test:	10-Dec-12	
Decay Activity uCi (from decay chart):	0.05996	1.11944
Standard (dpm):	133111.2	2485156.8
Instrument used to count wipe sample:	Beckman Gamma	
Instrument Model Number:	5500	
Instrument Serial Number:	8044788	
NIST Traceable Standard (cpm)	33700	86999
Counting Efficiency:	0.25	0.04
Counting Efficiency in percentage (%):	25.32	3.50
Counting time (minutes)	1	1
Background (cpm)	86	86
Minimum Detectable Activity:	2.333E-05	1.688E-04

Wipe (Smear) Test: All external or accessable surfaces of the source or housing are wiped with a piece of filter paper or other absorbent material which has been moistened with an appropriate solvent and the activity removed is measured.
Note: Background counts were not subtracted form wipe test sample to calculate sample activity.

Source ID and Serial Number	Wipe Test	Sample Activity	Gamma Sample Activity
Seaman C-200 A-884	74	0.00013	0.00095

This test reveals that 0.005 microcuries or less was present as removable contamination.
Should the removable contamination exceed 0.005 microcuries, the source must be removed from use and necessary measures taken according to NRC regulations.

David Rhoe Health/Medical Physicist