



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD, SUITE 102  
KING OF PRUSSIA, PA 19406-1415

August 29, 2022

EA-21-006

Mr. Ranfy Almonte Cartegena  
Almonte Geo Service Group  
Calle 46, 3m18  
Alturas de Bucarabones  
Toa Alta, Puerto Rico 00953

**SUBJECT: ALMONTE GEO SERVICE GROUP, NRC INSPECTION REPORT NO. 03038488/2020001 AND U.S. NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS REPORT NO. 1-2021-008**

Dear Mr. Almonte Cartegena:

During the period between December 2020 and June 2021, the U.S. Nuclear Regulatory Commission (NRC) attempted to conduct NRC inspection 2020001 of Almonte GeoService Group (Almonte). Despite numerous attempts at contacting you, including through text and voice messages to your personal telephone number, you did not respond to these communications. The inspection was intended to verify your compliance with the requirements of an NRC Order Revoking License within 20 Days Based on Nonpayment of License Fees, dated September 1, 2015 (Order) (ML15246A146<sup>1</sup>). The NRC issued the Order because you had not paid the annual NRC license fees for Almonte since 2014. The Order notified you that Almonte's NRC License No. 52-31453-01 was revoked, effective 20 days from the date of the Order, unless within the 20-day period, you paid all debts due to NRC. Otherwise, after revocation, your authorized activities would be limited to decommissioning and safe, secure storage or transfer of NRC-licensed material. You would be required to dispose of, or transfer to another authorized recipient, all NRC-licensed material within 60 days of the date of revocation. You did not respond to the Order. The enclosed report (Enclosure 1) documents the attempted NRC inspection.

Additionally, the NRC Region I Field Office, Office of Investigations (OI), initiated an investigation (Case No. 1-2021-008) to determine whether Almonte staff deliberately performed licensed activities without an active NRC license (i.e., deliberately used a portable gauge after the license was revoked). The NRC did not identify documentary or testimonial evidence from the OI investigation to conclude that Almonte staff deliberately utilized gauges after the license was revoked. However, NRC staff verified that, as of the date of this letter, you have not paid the required fees nor transferred all licensed material to an authorized recipient as required by

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

the NRC Order. Specifically, you continue to possess a QSA portable gauge containing approximately 5.5 mCi of Ra-226 that had been authorized by Almonte's NRC license.

Therefore, based on the results of the inspection and investigation, an apparent violation was identified for Almonte's failure to dispose of or transfer the licensed material possessed under its NRC license and complete decommissioning. This apparent violation is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is available on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

**Because Almonte has not taken corrective action for the violation, the enforcement action would include a proposed civil penalty of approximately \$8000.** As noted in Section 2.3.4 of the Enforcement Policy, the NRC may exercise discretion and assess a separate violation and attendant civil penalty up to the statutory limit for each day the violation continues. The NRC may exercise this discretion when a licensee is aware of a violation of at least moderate significance and had a clear opportunity to prevent, identify and correct the violation but failed to do so.

**The NRC's primary interest in this matter is that Almonte meets its obligation to ensure the proper transfer or disposal of the licensed material. Accordingly, the NRC will not propose a civil penalty if, within 30 days of the date of this letter, you complete the proper transfer or disposal of the gauge.** After completing this action, Almonte must send a copy of the certification from the authorized recipient that the material has been received to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406.

In lieu of properly transferring or disposing of the licensed material, you may respond to this letter in one of three ways before the NRC makes its enforcement decision. Namely, you may (1) request a Pre-Decisional Enforcement conference (PEC); (2) request Alternative Dispute Resolution (ADR); or (3) respond to the apparent violation addressed in this report within 30 days of the date of this letter. You may also choose to accept the apparent violation as characterized in this letter and its enclosure, in which case, the NRC will proceed with its enforcement action and propose the appropriate civil penalty if Almonte Geo Service Group does not dispose of the licensed material as described above.

If you choose to request a PEC, the meeting should be held in our office in King of Prussia, PA, within **30** days of the date of this letter. The conference will provide an opportunity for Almonte Geo Service Group to provide its perspective on these matters and any other information that Almonte Geo Service Group believes the NRC should take into consideration in making an enforcement decision. The topics discussed during the PEC may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. In presenting its corrective actions, Almonte Geo Service Group, should be aware that the promptness and comprehensiveness of its actions will be considered in assessing any civil penalty for the apparent violation. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," (Enclosure 2) may be helpful. The PEC would be open for public observation, and the NRC would issue a press release to announce the conference time and date.

In lieu of a PEC, Almonte Geo Service Group may also request ADR with the NRC in an attempt to resolve the issue. ADR is a general term encompassing various techniques for resolving

conflict using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within **10** days of the date of this letter if you are interested in pursuing resolution of this issue through ADR. An ADR session should be held within **45** days of the date of this letter.

If you choose to provide a written response, it should be sent to the NRC within **30** days of the date of this letter. It should be clearly marked as a "Response to Apparent Violation in NRC inspection Report No. 03038488/2020001; EA-21-006," and sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 475 Allendale Road, King of Prussia, PA 19406.

**Please contact Chris Cahill, Chief, Commercial, Industrial, R&D, and Academic Branch, NRC Region I, at 610-337-5108 within 10 days of the date of this letter to notify the NRC of whether Almonte Geo Service Group, will disposition the gauges or to notify the NRC whether you are interested in attending a PEC or ADR or providing a written response.** If you do not contact the NRC within the time specified, and an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records. Additional information is available on the NRC website at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

In accordance with Title 10 of the *Code of Federal Regulations* (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 and from the NRC Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-material-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.

If you have any questions related to this matter, please contact Steve Shaffer of my staff. Mr. Shaffer can be reached at 610-337-5225 or [steve.shaffer@nrc.gov](mailto:steve.shaffer@nrc.gov).

Sincerely,

Blake D. Welling, Director  
Division of Radiological Safety and Security

Enclosures:

1. NRC Inspection Report No. 03038488/2020001
2. NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action"

Docket No. 03038488

License No. 52-31453-01

cc w/Enclosures:

Roy Greaves, Director  
Environment, Health, and Safety  
Commonwealth of Puerto Rico

ALMONTE GEO SERVICE GROUP, NRC INSPECTION REPORT NO. 03038488/2020001 AND APPARENT VIOLATION DATED AUGUST 29, 2022

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| S Shaffer, DRSS, RI                         |                     |
| D Screnci, PAO-RI / N Sheehan, PAO-RI       |                     |
| S Seeley, SAO-RI / F Gaskins, SAO-RI        |                     |
| B Klukan, ORA, RI                           |                     |
| R1Enforcement                               |                     |
| G Powell, RI                                |                     |
| Region I OE Files (with concurrences)       |                     |

DOCUMENT NAME: <https://us.nrc.sharepoint.com/teams/Region-I-DNMS1/Shared Documents/Division Director Correspondence/For DD Signature/EA-21-006 Almonte Geo Choice Letter 8 29 DD.docx> ADAMS ACCESSION NO. ML22241A111

| SUNSI Review/BU |              | X Non-Sensitive |           | X Publicly available |        |
|-----------------|--------------|-----------------|-----------|----------------------|--------|
| OFFICE          | RI: DRSS     | RI:ORA          | RI: DRSS  | RI: ORA              | OGC    |
| NAME            | SShaffer/sws | McLaughlin      | CCahill   | Klukan               | LBaer  |
| DATE            | 8/18/2022    | 8/04/22         | 8/18/2022 | 8/19/2022            | 8/4/22 |
| OFFICE          | OE           | NMSS            |           | RI: DRSS             |        |
| NAME            | L Sreenivas  | M Burgess       |           | BWelling             |        |
| DATE            | 8/04/22      | 8/04/22         |           | 8/29/22              |        |

U.S. NUCLEAR REGULATORY COMMISSION  
REGION I

INSPECTION REPORT

Inspection No. 03038488/2020001  
EA No. EA-21-006  
Docket No. 03038488  
License No. 52-31453-01  
Licensee: Almonte Geo Service Group  
Address: Calle 46, 3m18  
Alturas de Bucarabones  
Toa Alta, Puerto Rico 00953

Authorized Storage Location  
Calle 46, 3m18  
Alturas de Bucarabones  
Toa Alta, PR 00953

Inspection Dates: Remote inspection was attempted. Licensee would not respond to calls. Last call attempt was made in June 2021.

Inspector: Steven W. Shaffer  
Digitally signed by Steven W. Shaffer  
Date: 2022.08.25 07:33:00 -04'00'

Steve Shaffer, Sr. Health Physicist  
Commercial, Industrial, R&D and  
Academic Branch  
Division of Radiological Safety and Security

Approved By: Christopher G. Cahill  
Digitally signed by Christopher G. Cahill  
Date: 2022.08.25 13:02:51 -04'00'

Christopher G. Cahill, Chief  
Commercial, Industrial, R&D and  
Academic Branch  
Division of Radiological Safety and Security

## EXECUTIVE SUMMARY

Almonte Geo Service Group  
NRC Inspection Report No. 03038488/2020001

On September 1, 2015, NRC issued an Order to Almonte Geo Service Group, "Order Revoking License Within 20 days Based On Nonpayment of License Fees." (ML15246A146) That Order notified Almonte Geo Service Group that NRC License No. 52-31453-01 is revoked, effective 20 days from the date of the Order (i.e., September 21, 2015), unless within the 20-day period, the licensee pays all debts due to NRC; after revocation, licensed activities are limited to decommissioning and safe, secure storage or transfer of material; and, within 60 days of the date of revocation, Almonte Geo Service Group must dispose of or transfer to another authorized recipient or recipients all NRC-licensed material.

Almonte Geo Service Group failed to pay applicable fees within the 20-day period and failed to dispose or transfer all licensed materials to another authorized recipient or recipients.

In an attempt to facilitate the transfer of the gauges, in 2019, NRC provided Almonte Geo Service Group with guidance on how to register its gauges with the Conference of Radiation Control Program Directors (CRCPD) Source Collection and Threat Reduction (SCATR) program, to obtain assistance in disposing the sources; provided a list of portable gauge suppliers who may have interest in receiving the gauges; and provided guidance on how to use NRC's Agencywide Documents Access and Management System (ADAMS) to locate other portable gauge licensees who may have an interest in receiving the gauges.

Mr. Almonte Cartegena of Almonte Geo Service Group stated that the company lacks the funds necessary to transfer the gauges and would only participate in the SCATR if was completely free of cost to Almonte Geo Service Group.

The NRC visited Almonte Geo Service Group's facility to verify storage of their licensed material in December of 2019 and identified the following apparent violation.

### **Apparent Violation**

NRC Order LFB-15-0355, dated September 1, 2015, revoked Almonte Geo Service Group's NRC License No. 52-31453-01 due to non-payment of fees. Section III. A of the Order revoked Almonte Geo Service Group's license, effective 20 days from the date of the Order, unless, within this 20-day period, the Licensee pays all debts due to the NRC. Section III. F of the Order required Almonte Geo Service Group to dispose of or transfer to another authorized recipient all NRC licensed materials possessed under the license within 60 days of the date of revocation.

Contrary to the above, as of February 19, 2021, Almonte Geo Service Group did not pay all debts due to the NRC within 20 days of the date of the Order and did not dispose of or transfer the NRC licensed materials possessed under the license to another licensed entity within 60 days from the date the license revocation became effective.

## **REPORT DETAILS**

### **Organization and Scope of the Program**

#### 1 Inspection Scope

The inspector made multiple attempts to perform a remote inspection, due to the COVID-19 Public Health Emergency, via phone calls and text messages. The licensee was non-responsive to the attempts.

#### 2 Observations and Findings

Almonte Geo Service Group is a portable gauge licensee and known to currently possesses a portable gauge with approximately 5.5 mCi of Ra-226. NRC's Office of Chief Financial Officer reported that Almonte Geo Service Group has not paid its annual fees since 2014, and the NRC issued an Order to Almonte Geo Service Group dated September 1, 2015, to revoke its license due to non-payment of fees.

Almonte Geo Service Group failed to pay all debts due to the NRC within 20 days of the date of the Order and did not dispose of or transfer the NRC licensed materials possessed under the license to another licensed entity within 60 days from the date the license revocation became effective.

The NRC visited Almonte Geo Service Group's facility to verify storage of their licensed material in December of 2019 and identified a violation of NRC Order LFB-15-0355 during this visit.

#### 3. Conclusions

Almonte Geo Service Group failed to pay required license fees since 2014 and failed to transfer its gauges to a licensed entity as required by NRC Order LFB-15-0355, dated September 1, 2015.



## **PARTIAL LIST OF PERSONS CONTACTED**

NRC Staff  
Steve Shaffer, Senior Health Physicist  
Juan Ayala, Health Physicist

## **INSPECTION PROCEDURES USED**

IP 87124      Fixed and Portable Gauge Programs

## **LIST OF ACRONYMS AND ABBREVIATIONS USED**

ADAMS: Agency-wide Documents Access and Management System  
ADR: Alternative Dispute Resolution  
CRCPD: Conference of Radiation Control Program Directors  
ICR: The Institute on Conflict Resolution at Cornell University  
NRC: United States Nuclear Regulatory Commission  
PEC: Pre-decisional Enforcement Conference  
SCTR: Source Collection and Threat Reduction (SCATR)