



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

February 1, 2023

EA-21-006

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

**SUBJECT: NOTICE OF VIOLATION – ALMONTE GEO SERVICE GROUP, NRC
INSPECTION REPORT NO. 03038488/2020001**

Dear Ranfy Almonte Cartegena:

This letter refers to inspections conducted of Almonte Geo Service Group (Almonte) between December 2020 and June 2021. The inspections evaluated the status of Almonte's operations and your compliance with the Order issued by the U.S. Nuclear Regulatory Commission (NRC) on September 1, 2015 (ML15246A146),¹ revoking Almonte's NRC license for non-payment of fees. That Order notified you that Almonte's NRC License No. 52-31453-01 was revoked, effective 20 days from the date of the Order, unless within the 20-day period, Almonte paid all debts due to NRC. Because you did not pay the debts, Almonte's license was revoked as of September 21, 2015, and authorized activities were limited to decommissioning and safe, secure storage or transfer of material. Further, you were required, within 60 days of the date of revocation, to dispose of or transfer to another authorized recipient all NRC-licensed material. However, based on the results of the inspections, the NRC identified that Almonte did not dispose of or transfer its NRC-licensed material and complete decommissioning, in apparent violation (AV) of the Order. Specifically, you continue to possess a QSA portable gauge containing approximately 5.5 millicuries of radium-226 that had been authorized by Almonte's NRC license. The AV was described in the NRC inspection report sent to you with a letter dated August 29, 2022 (ML22241A111).

In the August 29, 2022, letter transmitting the inspection report, we informed you that the AV was being considered for escalated enforcement action. In the letter, we provided you the opportunity to address the AV by either attending a pre-decisional enforcement conference (PEC), engaging the NRC in Alternative Dispute Resolution (ADR) mediation, or providing a written response before we made our final enforcement decision. We also informed you that the NRC would not propose a civil penalty if, within 30 days of the date of the letter, Almonte completed the proper transfer or disposal of its gauge. Almonte has not responded to the August 29, 2022, letter or taken action to address the violation. Because Almonte has not responded, the NRC is proceeding with its enforcement action based on the information currently available.

As of the date of this letter, Almonte remains in possession of the gauge which, as described in

¹ 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 subject NRC inspection report, remains secured within the locked storage facility authorized by Almonte's revoked NRC license. Therefore, the NRC has determined that Almonte has not met its obligation to dispose of or transfer its licensed material according to the terms of the NRC Order. Accordingly, the NRC has determined that a violation of NRC requirements occurred and is proceeding with enforcement action. The violation is cited in the enclosed Notice of Violation (Enclosure 1). In assessing the significance of this violation, the NRC considered that the requirements of the Order are intended to reduce potential risk to the public and environment that may result from delayed decommissioning of inactive or insolvent facilities and sites. Almonte has not disposed of or transferred its licensed material despite having its license revoked more than seven years ago. Therefore, the NRC has assessed this violation at Severity Level (SL) III, in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy, a base civil penalty in the amount of \$8,750 is typically considered for an SL III violation by a small nuclear materials facility like Almonte (see Tables 8A.e and 8B of the Enforcement Policy). Nonetheless, a civil penalty will not be assessed because the violation is beyond the five-year statute of limitations period. However, issuance of this Notice constitutes escalated enforcement action that may subject you to future civil penalties.

Almonte's continued failure to properly dispose of or transfer its remaining sealed radioactive source possessed under the revoked NRC license is unacceptable and may subject you to additional enforcement action including the imposition of an Order and substantial civil penalties, up to and including daily fines. The NRC will also consider referring your actions to the Department of Justice for possible criminal proceedings, unless you take immediate action to properly dispose of or transfer the gauge.

The NRC staff encourages you to identify and coordinate with radioactive waste service providers in Puerto Rico to aid with your disposal efforts. As the staff has previously communicated to you, assistance can be provided to you by independent organizations such as the Conference of Radiation Control Program Directors, Inc. (CRCPD), which can provide information on radioactive source disposal options and recycling events that may be available at a reduced cost. Additional information about CRCPD's assistance with unwanted radioactive material can be found at <https://www.crcpd.org/page/AssistanceUnwantedRAM>.

Upon properly transferring or disposing of the gauge, send the following information to the Regional Administrator, NRC Region I, 475 Allendale Rd. Suite 102, King of Prussia, PA 19406: (i) a completed NRC Form 314, "Certificate of Disposition of Materials" (Enclosure 2); and (ii) a copy of the certification from the authorized recipient that the material has been received.

In the meantime, your possession license remains in effect, pursuant to 10 CFR 30.36, and the Order Condition III.B with respect to the possession, transfer, and storage of licensed nuclear material until the Commission (NRC) notifies you in writing that the license is terminated. Accordingly, you must continue to restrict activity involving the gauge to safe and secure storage or transfer of the material. Further, you must continue to conduct all required inventories and testing for contamination and/or leakage of the sealed source and continue to comply with any applicable NRC rules, regulations, or orders, including applicable sections of 10 CFR 30.36. Failure to comply with these requirements and, in particular, abandonment of your licensed nuclear material, will be evaluated for separate civil and criminal sanctions.

You are required to respond to this letter and to follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <https://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

If you have any questions concerning this matter, please contact Christopher Cahill of my staff at 610-337-5108 or Christopher.Cahill@nrc.gov.

Sincerely,

Raymond K. Lorson
Regional Administrator

Enclosures:

1. Notice of Violation
2. NRC Form 314, "Certificate of Disposition of Materials"

Docket No. 03038488
License No. 52-31453-01

cc w/Enclosures: Roy Greaves, Director
Environment, Health, and Safety
Commonwealth of Puerto Rico

SUBJECT: NOTICE OF VIOLATION – ALMONTE GEO SERVICE GROUP, NRC
INSPECTION REPORT NO. 03038488/2020001 DATED February 1, 2023

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X SUNSI Review/ MMM		X Non-Sensitive □ Sensitive			X Publicly Available □ Non-Publicly Available	
OFFICE	RI/ORR	RI/DRSS	RI/ORR	RI/ORR	OE	NMSS
	M McLaughlin	C Cahill	B Klukan	R McKinley	J Peralta	C Einberg
DATE	1/27/23	1/27/23	1/30/23	1/27/23	1/31/23	1/31/23
OFFICE	OGC				RI/DRSS	RA
NAME	L Baer NLO				B Welling	R Lorson
DATE	1/31/23				1/31/23	2/1/23

OFFICIAL RECORD COPY

ENCLOSURE 1

NOTICE OF VIOLATION

Almonte Geo Service Group
Toa Alta, Puerto Rico

Docket No.: 03038488
License No.: 52-31453-01
EA-21-006

During an NRC inspection conducted between December 2020 and June 2021, a violation of NRC requirements was identified. The particular violation is set forth below:

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 stated that Almonte Geo Service Group's license would be revoked 20 days from the date of the Order (i.e., September 21, 2015), unless, within that 20-day period, the Licensee paid 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 (i.e., November 20, 2015).

Contrary to the above, as of February 2, 2023, Almonte Geo Service Group has not paid all debts due to the NRC, and did not dispose of or transfer the NRC licensed materials possessed under the license to another licensed entity by November 20, 2015.

This is a Severity Level III Violation (NRC Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Almonte Geo Service Group is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406, and the Document Control Center, Washington, DC 20555-0001 within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; (EA-21-006)" and should include for the alleged violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an order or a Demand for Information requiring you to explain why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site 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. If

personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 1st day of February, 2023.

Enclosure 2
NRC Form 314, "Certificate of Disposition of Materials"