



UNITED STATES
NUCLEAR REGULATORY
COMMISSION

April 11, 2024

EA-23-016

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

SUBJECT: ALMONTE GEO SERVICE GROUP – ORDER IMPOSING CIVIL PENALTY -
\$17,500

Dear Ranfy Almonte Cartegena:

This refers to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent as an enclosure to our letter dated November 9, 2023 ([ML23310A012](#)).¹ The letter and Notice described a violation identified through an NRC inspection involving the failure by Almonte Geo Service Group (Almonte) to complete decommissioning no later than 24 months following the initiation of decommissioning as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 30.36(h). Through the inspection activities, the NRC staff identified that Almonte has not disposed of or transferred its licensed material despite having had its license revoked more than seven years ago and having initiated decommissioning activities almost four years ago. To emphasize the potential risk to the public and environment that may result from delayed decommissioning of inactive or insolvent facilities and sites, a civil penalty of \$17,500 was proposed.

Because the NRC's primary interest in this matter is ensuring that Almonte meets its obligation to transfer or dispose of the licensed material in its possession and complete decommissioning of its site, the NRC staff informed Almonte that the civil penalty would not be imposed if Almonte properly disposed of or transferred the remaining sealed radioactive source possessed under the NRC license and sent information documenting that the material had been transferred or disposed of to the NRC within 60 days of the date of the letter transmitting the Notice (i.e., by January 8, 2024). In an email dated December 9, 2023 ([ML23345A099](#)), you informed NRC staff that you had obtained a price quote for disposal of the gauge by a contract radiation services professional in Puerto Rico. You stated that you were accruing the funds to pay for the disposal and requested additional time to complete this action.

The NRC staff considered that you had similarly requested additional time to complete decommissioning activities in response to a June 14, 2023, letter ([ML23164A193](#)) providing you the preliminary results of the NRC inspection. Although the NRC staff granted your previous extension request, you did not complete decommissioning activities. Moreover, you did not complete the required actions to properly dispose of or transfer the gauge in response to the NRC's Order revoking Almonte's NRC license for nonpayment of fees issued on September 1, 2015 ([ML15246A146](#)), or to the subsequent enforcement action related to

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.

your failure to comply with the revocation order ([ML23004A164](#)). As of the date of this letter, Almonte continues to be in possession of the gauge (a Seaman Nuclear Corporation Model C-300 portable gauge containing approximately 5.5 mCi of Ra-226) which remains secured within the locked storage facility authorized by Almonte's revoked NRC license. Accordingly, we hereby serve the enclosed "Order Imposing Civil Penalty" (Order) in the amount of \$17,500. Within 30 days of the date that the enclosed Order is published in the *Federal Register*, you must either: (1) pay the civil penalty in accordance with Section IV of the enclosed Order, (2) request a hearing in accordance with Section V of the enclosed Order, or (3) request Alternate Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue.

ADR is a general term encompassing various techniques for resolving conflicts 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 third party (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 ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html> and in the enclosed NUREG/BR-0317, "Enforcement Alternative Dispute Resolution Program."

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Monica Ford at 610-337-5214 within 10 days of the date of this letter. You may also contact both ICR and Monica Ford for additional information. A request to pursue resolution through ADR will extend the time period to pay the civil penalty or to request a hearing.

In the meantime, pursuant to Condition III.B of the NRC's Order revoking Almonte's NRC license for nonpayment of fees issued on September 1, 2015, your license remains in effect only with respect to the possession, transfer, and storage of licensed nuclear material until the Commission 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 to an authorized recipient. 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 Part 30.36. Failure to comply with these requirements and in particular, abandonment of your licensed nuclear material will be evaluated for potential additional civil and criminal sanctions. Furthermore, if you do not complete the proper transfer or disposal of the gauge, the NRC will consider the imposition of additional daily civil penalties that would continue to be assessed until you address this ongoing violation. 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your answer will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your answer should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its website at <https://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/index.html>.

If you have any questions concerning this matter, please contact Monica Ford, Chief of the Commercial, Industrial, Research & Development, & Academic Branch, USNRC Region I, at 610-337-5214 or Monica.Ford@nrc.gov.

Sincerely,

David L. Pelton, Director
Office of Enforcement

Enclosures:

1. Order Imposing Civil Penalty
2. Civil Penalty Invoice
3. NUREG/BR-0254, "Payment Methods"
4. NUREG/BR-0317, "Enforcement Alternative Dispute Resolution Program"

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

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

SUBJECT: ALMONTE GEO SERVICE GROUP – ORDER IMPOSING CIVIL PENALTY - \$17,500 DATED

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ORDER: ML24089A032

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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
NAME	M McLaughlin	M Ford	B Klukan NLO	J Nick	C Rivera Diaz	M Burgess
DATE	1/23/24	1/24/24	1/26/24	1/26/24	2/22/24	2/21/24
OFFICE	OGC			RI/DRSS	RA	OE
NAME	R Augustus			P Krohn	R Lorson	D Pelton
DATE	2/08/24			3/4/24	3/8/24	4/ /24

OFFICIAL RECORD COPY

ENCLOSURE 1

ORDER IMPOSING CIVIL PENALTY

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
Almonte Geo Service Group) Docket No. 03038488
) License No. 52-31453-01
Toa Alta, Puerto Rico) EA-23-016
)

ORDER IMPOSING CIVIL MONETARY PENALTY

I

Almonte Geo Service Group (Licensee) is the holder of Nuclear Materials License No. 52-31453-01 issued on October 4, 2011, by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 30 of Title 10 of the Code of Federal Regulations (10 CFR). The license authorizes the possession and use of radioactive sources contained in portable nuclear moisture density gauges in accordance with conditions specified therein. The facility is located on the Licensee's site in Toa Alta, Puerto Rico.

II

The NRC inspected the Licensee's activities between March 1, 2023, and June 14, 2023. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated

November 9, 2023 ([ML23310A012](#))¹. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee violated, and the amount of the civil penalty proposed for the violation.

Namely, the Notice describes that the Licensee failed to complete decommissioning no later than 24 months following the initiation of decommissioning as required by 10 CFR 30.36(h). In particular, the Licensee has not disposed of or transferred its licensed material despite having had its license revoked more than seven years ago and having initiated decommissioning activities almost four years ago. The Notice also documents that the NRC's primary interest in this matter is ensuring that the Licensee meets its obligation to transfer or dispose of the licensed material in its possession and complete decommissioning of its site. Therefore, the civil penalty would not have been imposed if the Licensee (1) had properly disposed of or transferred the remaining sealed radioactive source possessed under the NRC license and (2) had sent information documenting that the material had been transferred or disposed of to the NRC within 60 days of the date of the letter transmitting the Notice (i.e., by January 8, 2024).

The Licensee responded to the Notice in an email dated December 9, 2023 ([ML23345A099](#)). In its response, the Licensee requested additional time to save money to pay for proper disposal of the remaining sealed radioactive source in its possession. As of the date of this Order, the Licensee remains in possession of the sealed radioactive source.

III

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.

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The Licensee shall pay the civil penalty in the amount of \$17,500 within 30 days of the date of the publication of this Order in the *Federal Register* through one of the following two methods:

1. Submit the payment with the enclosed invoice to this Order (EA-23-016) to the following address:

Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
P.O. Box 979051
St. Louis, MO 63197

OR

2. Submit the payment in accordance with [NUREG/BR-0254](#).

In addition, at the time payment is made, the Licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order within 30 days of its publication in the *Federal Register*. In addition, the Licensee and any other person adversely affected by this Order may request a hearing on this Order within 30 days of its publication in the *Federal Register*. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" ([ML13031A056](#)) and on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law

requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute Fair Use applications, participants should not include copyrighted materials in their submission.

If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which their interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the *Federal Register* without further order or proceedings.

If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. If payment has not been made by the time specified above, the matter may be referred to the Attorney General, for collection.

FOR THE NUCLEAR REGULATORY COMMISSION

David L. Pelton
Director
Office of Enforcement

Dated this 11th day of April, 2024.

Enclosure 2
Civil Penalty Invoice

Enclosure 3
NUREG/BR-0254, "Payment Methods"

Enclosure 4
NUREG/BR-0317, "Enforcement Alternative Dispute Resolution Program"