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NRC Proposes \$8,500 Civil Penalty to Puerto Rico Firm for Apparent Violation Involving Nuclear Gauges

The Nuclear Regulatory Commission has proposed a \$8,500 civil penalty to a Mayaguez, Puerto Rico, firm for failing to dispose of, or transfer, portable nuclear gauges it possesses under an NRC license and also for failing to complete the decommissioning process within the required time period.

Western Soil owns and possesses portable gauges containing small amounts of radioactive material that are used for measuring the density of soil at construction sites.

On July 8, 2019, the NRC issued an order revoking the company's license for non-payment of agency fees. The company has not paid its annual fee for an NRC license since 2015. Under the order, Western Soil was required to dispose of or transfer the gauges to another authorized party within 60 days. The NRC described the apparent violation in an Oct. 8, 2020, inspection report in which it said the violation was being considered for escalated enforcement action but that the enforcement action would be cancelled if the gauges were transferred to another authorized user or disposed of within 30 days.

The company's president responded on Nov. 5, 2020, that it lacked the funds needed to transfer the gauges. The response also noted the company ceased operations in 2015 and that the gauges are safely stored.

The NRC has verified that the gauges are properly secured at Western Soil's facility to prevent unauthorized access or removal.