



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

September 21, 2021

EA-20-101

Mr. Max R. Laracuenta-Bernat, President  
Western Soil, Inc.  
P.O. Box 345  
Mayaguez, Puerto Rico 00681-0345

**SUBJECT: WESTERN SOIL, INC. – ACKNOWLEDGEMENT OF DISPOSAL OF LICENSED MATERIAL**

Dear Mr. Laracuenta-Bernat:

This refers to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent as an enclosure to our letter dated January 14, 2021, (ML21007A320)<sup>1</sup>. Our letter and Notice described a violation of U.S. Nuclear Regulatory Commission (NRC) requirements pertaining to a failure to comply with an order issued on July 8, 2019, revoking Western Soil, Inc.'s NRC license for non-payment of fees. Specifically, within 60 days of the date of revocation, Western Soil, Inc. was required to dispose of or transfer to another authorized recipient all NRC-licensed material. However, the NRC identified that Western Soil, Inc. did not dispose of or transfer its NRC-licensed material and complete decommissioning within the required timeframe.

To emphasize to Western Soil Inc. the importance of compliance with NRC requirements and the obligation to decommission its facility and ensure proper transfer or disposal of licensed material, the NRC issued a Severity Level III violation to Western Soil Inc. This enforcement action included a proposed civil penalty of \$8,500. In the January 14, 2021 letter conveying the enforcement action, the NRC informed you that we would forgo the civil penalty if Western Soil Inc. properly disposed of its licensed material. On August 25, 2021, the NRC confirmed that Western Soil, Inc. properly completed transfer of its licensed material to Instrotek, Inc. Therefore, the NRC will not impose the civil penalty and considers this enforcement matter to be closed.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406 and marked "Open by Addressee Only," within 30 days of the date of this letter.

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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.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room and from 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, if you choose to provide one, should not include any personal privacy or proprietary, information so that it can be made available to the public without redaction.

Should you have any questions regarding this letter, please contact Christopher Cahill at 610-337-5108.

Sincerely,

David C. Lew Digitally signed by David C. Lew  
Date: 2021.09.21 15:05:06 -04'00'

David C. Lew  
Regional Administrator

cc:

Raul Hernandez, Director, Environment, Health, and  
Safety Commonwealth of Puerto Rico

SUBJECT: WESTERN SOIL INC. – ACKNOWLEDGEMENT OF DISPOSAL OF LICENSED MATERIAL DATED SEPTEMBER 21, 2021

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**ML21137A279**

DOCUMENT NAME: [https://usnrc-my.sharepoint.com/personal/mmm3\\_nrc\\_gov/Documents/MMM3/Shared Enforcement/Final Actions/Western Soil Closeout Letter EA-20-101 x \(002\).docx](https://usnrc-my.sharepoint.com/personal/mmm3_nrc_gov/Documents/MMM3/Shared%20Enforcement/Final%20Actions/Western%20Soil%20Closeout%20Letter%20EA-20-101%20x%20(002).docx)

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