

# Florida Department of Health

## Diversion of Category 2 Iridium-192 Radiography Sources

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2025 Organization of Agreement States Annual Meeting  
Washington, DC

Florida  
HEALTH

August 13, 2025

# Presenter



**Kevin Kunder, BS, CNMT, RT(N)**

Environmental Administrator

Bureau of Radiation Control, Radioactive Materials

Division of Emergency Preparedness and Community Support

Florida Department of Health

# Objectives

- Overview of Florida Statutes and regulations pertaining to enforcement
- Notification of incidents
- Incident



# Inspection Enforcement

## Section 404.071, Florida Statutes

Inspection authority

## Rule 64E-5.218, Florida Administrative Code

Performance of Inspections



# Inspection Enforcement

## Rule 64E-5.201(3), F.A.C.

Procedures for Radioactive Materials  
Enforcement Actions

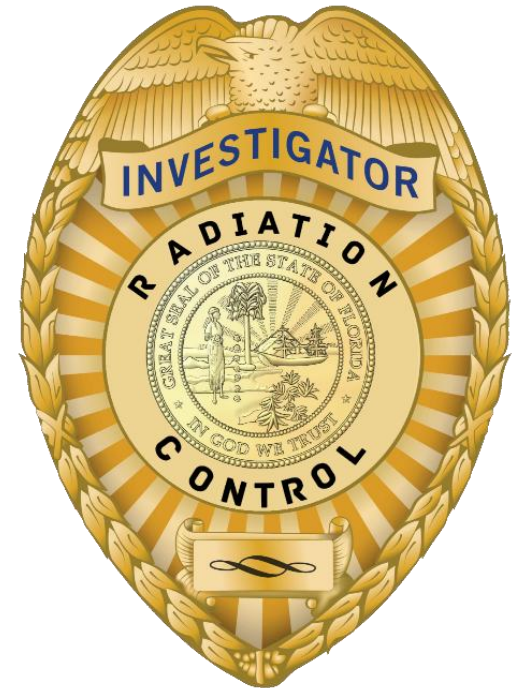
### Penalties

- **Criminal:** Felony of the third degree
- **Civil:** Administrative fine, up to \$1,000 per violation, per day

STATE OF FLORIDA  
BUREAU OF RADIATION CONTROL  
PROCEDURES FOR RADIOACTIVE  
MATERIALS ENFORCEMENT ACTIONS  
May 2000

# Investigation Enforcement

- All notification of incidents are routed through Florida's Bureau of Radiation Control (BRC), Orlando Environmental Section.
- Environmental and Inspection sections respond until the incident is no longer a threat to the environment or has potential to further expose the citizens of Florida.



# Violation Suspected

- Diversion of cat 2 Iridium-192
- 10 CFR Part 37
- Appendix A to Part 37 (Ir-192 21.6Ci)
- Cat 2 reporting to U.S. Nuclear Regulatory Commission (NRC) at 4 and 24 hours (§ 37.81(b))
- Industrial Nuclear Company (INC) first call to NRC-> BRC  
(6 months after diversion and 4 ½ months after becoming aware)



# Investigation Initiated

## **Purchaser: Celtex NDT Supply, Caracas Venezuela**

- Purchased three IR-100 Gamma Ray cameras, each with 103 Ci Ir-192
- Called INC to report devices never made it on 11/28/2022

**INC investigated from  
11/28/2022 - 4/10/2023**

**INC failed to notify the NRC  
until 4/10/2023**

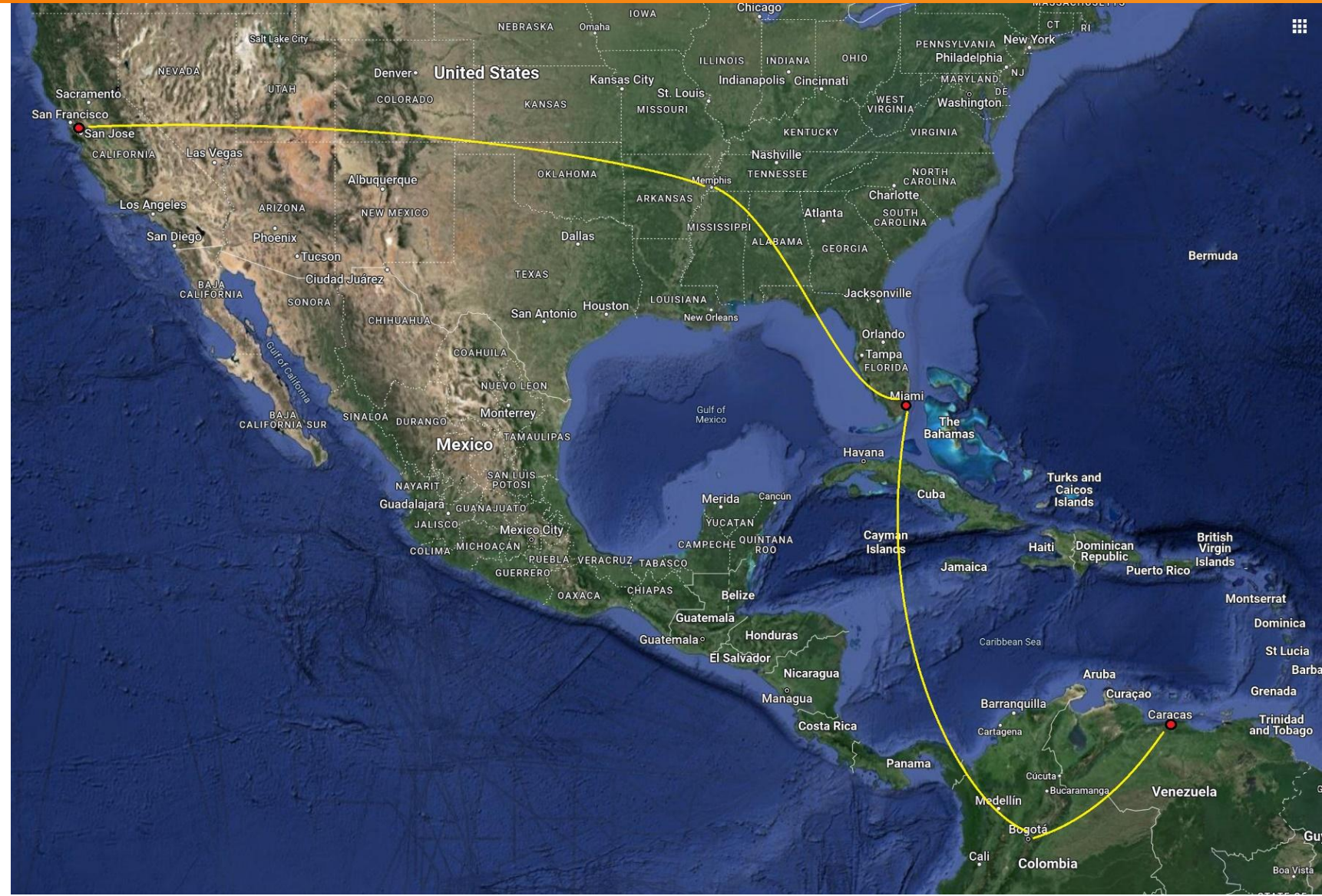
# Scheduled Route



**San Leandro  
via Memphis  
Miami**



**Miami  
via Bogota  
Caracas**



# Miami Route

## Domestic to International



❶ **MIA**  
(domestic)



❷ **CargoHL**  
(broker)



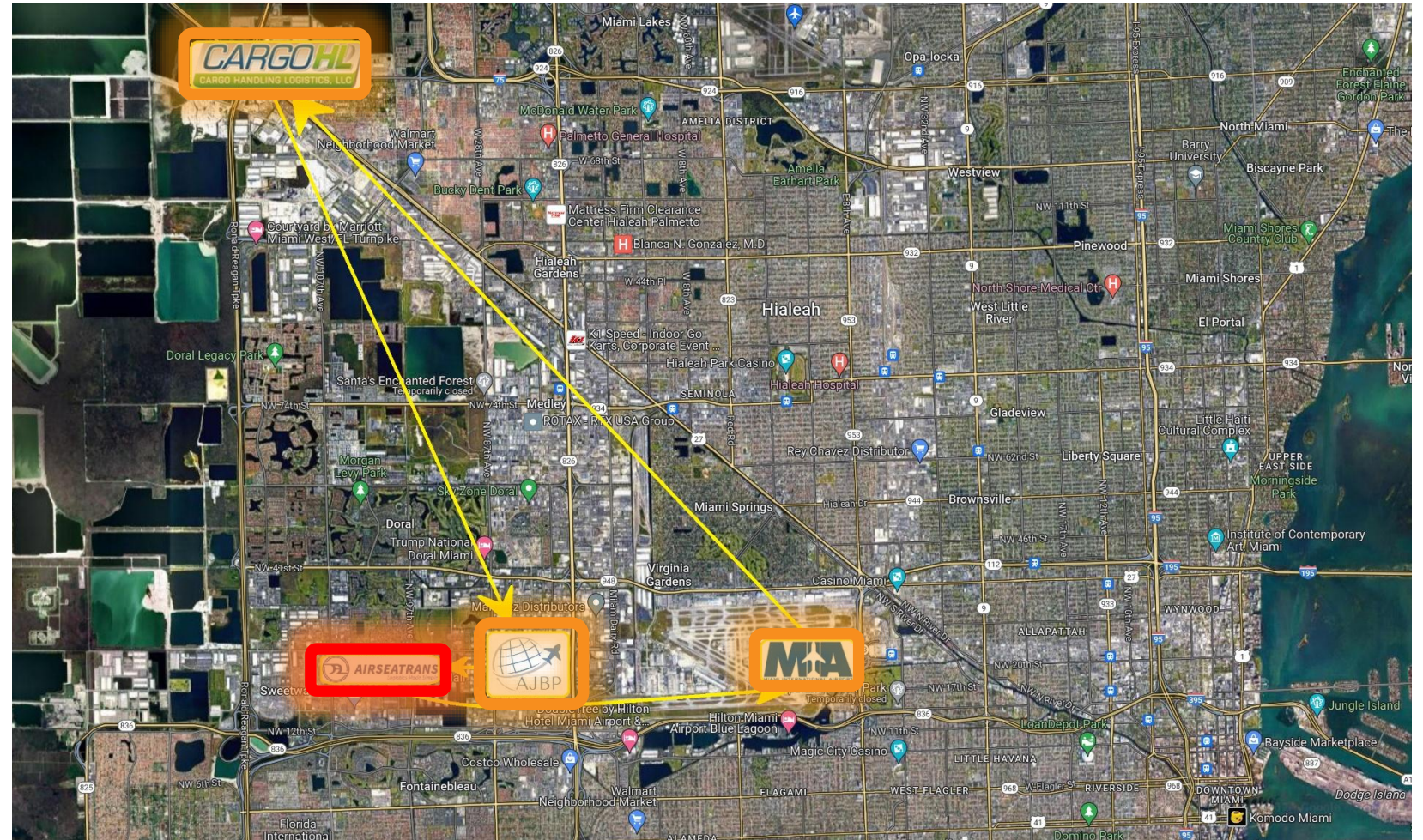
❸ **AJBP Logistics**  
(freight forwarder)



❹ **AirSeaTran**  
(common carrier)



❺ **MIA**  
(international)



# Investigation

**April 10, 2023**

INC contacted NRC and Florida's Bureau of Radiation Control

Within 24 hours:

- Teams call with NRC
- Task team created

The next day, Florida Highway Patrol and BRC narrowed the search area.



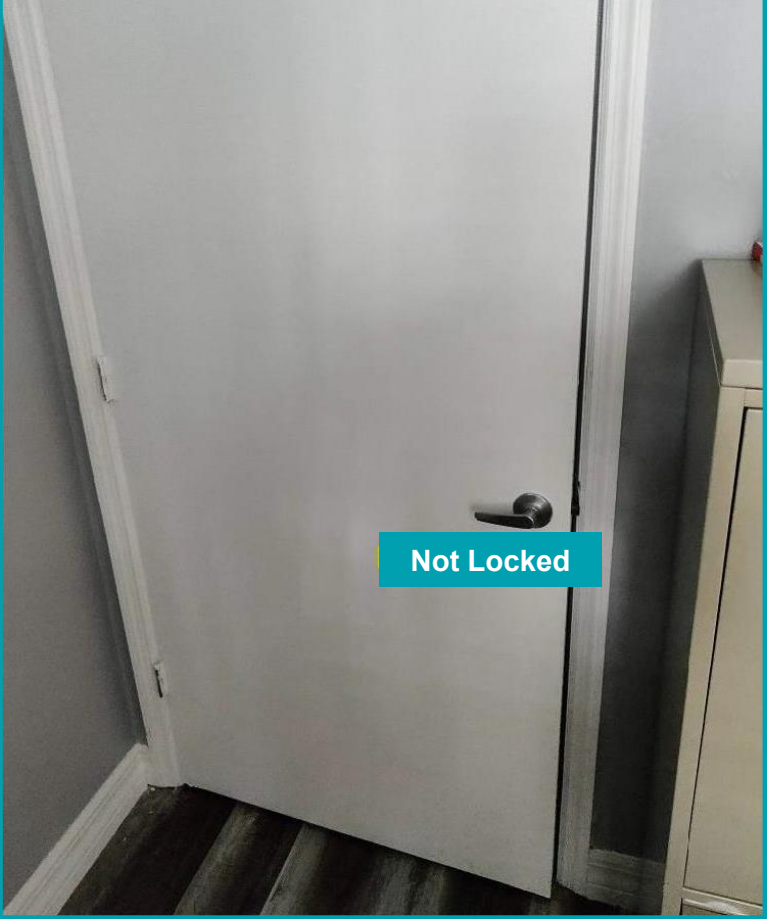
# Investigation, continued



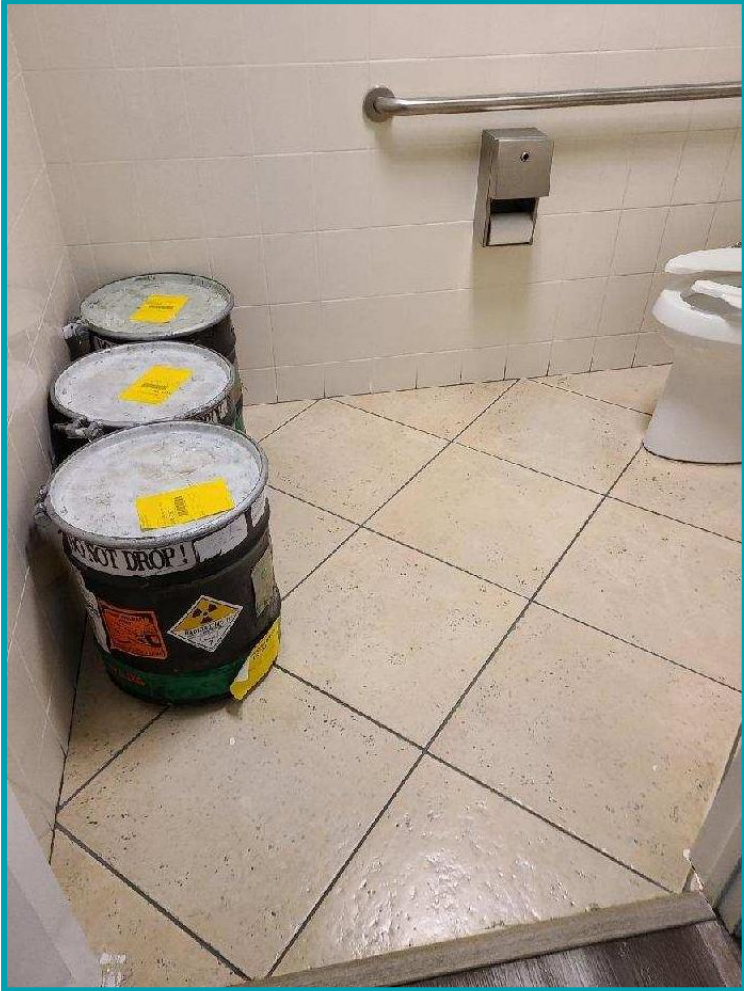
1665 NW 102<sup>nd</sup> Ave., Suite 108  
Doral, FL 33172

# Findings

Standing in Kitchen Bathroom Door



Standing in Kitchen, inside Bathroom



# Findings, continued

At time of recovery, each source was 15.9 Ci.

$15.9 \times 3 = 47.7$  Ci  
(aggregated Cat 2)



IR100 s/n 4226 Source s/n 259H  
IR100 s/n 4126 Source s/n 260H  
IR100 s/n 4128 Source s/n 261H



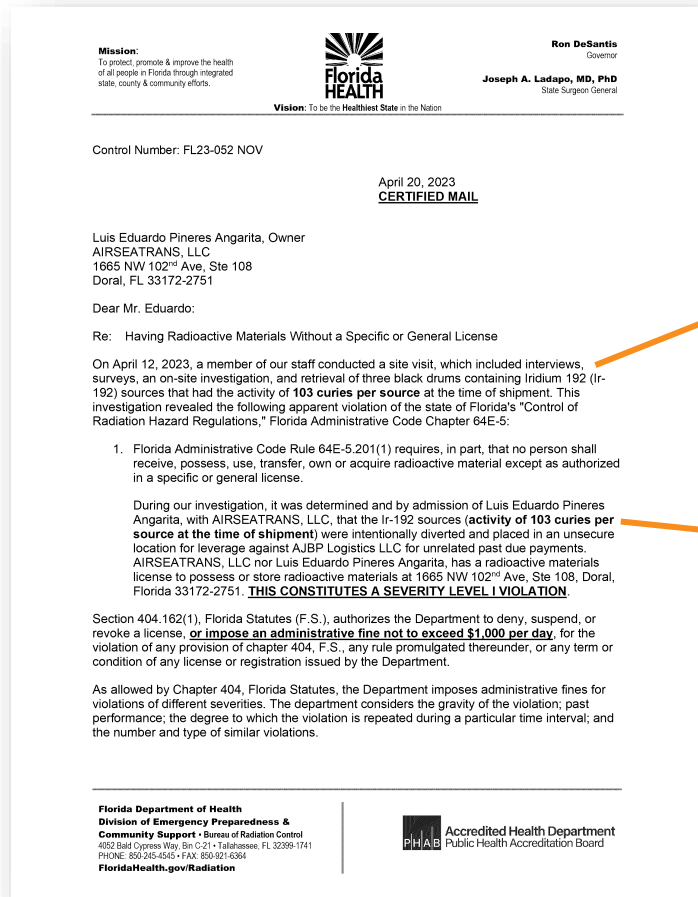
dose rate @ driver seat:  
< 0.1 mR/hr

# Enforcement Action

- AirSeaTrans owner admitted that he intentionally diverted cargo to hold for back payments.
- Investigation letter sent to AirSeaTrans with I2F Severity Level I (\$1,000) times the 185 days diverted for a total of \$185,000 fine.
- Unpaid after 120 day, it was sent to collections (section 17.20, F.S.) with fee total now \$214,600.



# Enforcement Action, continued



On April 12, 2023, a member of our staff conducted a site visit, which included interviews, surveys, an on-site investigation, and retrieval of three black drums containing Iridium 192 (ir-192) sources that had the activity of 103 curies per source at the time of shipment.

This investigation revealed the following apparent violation of the state of Florida's "Control of Radiation Hazard Regulations," Florida Administrative Code Chapter 64E-5.

During our investigation, it was determined and by admission of Luis Eduardo Pineres Angarita, with AIRSEATRANS, LLC, that the Ir-192 sources (**activity of 103 curies per source at the time of shipment**) were intentionally diverted and placed in an unsecure location for leverage against AJBP Logistics LLC for unrelated past due payments.

AIRSEATRANS, LLC nor Luis Eduardo Pineres Angarita, has a radioactive materials license to possess or store radioactive materials at 1665 NW 102<sup>nd</sup> Ave. Ste 108, Doral, Florida 33172-2751. **THIS CONSTITUTES A SEVERITY LEVEL I VIOLATION.**

# Enforcement Action, continued

Mr. Luis Eduardo Pineres Angarita  
Page 2  
April 20, 2023

Control Number: FL23-052 NOV

With these violations, the Department is imposing a \$1,000.00 fine per day of possession (185 days) based on the information contained in item 1, for which Luis Eduardo Pineres Angarita, and AIRTRANS, LLC had in possession unauthorized radioactive materials for a total fine of \$185,000.00 to be submitted with the response to this letter. If you pay the above amount and implement adequate corrective actions for all the cited non-compliances, this case will be considered closed. The proposed imposition of the fine may be protested within 30 days in its entirety, or in part, by a written answer either denying the violations or showing extenuating circumstances. The fine, unless compromised, remitted, or mitigated may be collected by civil action, pursuant to Florida Administrative Code Rule 404.163, Florida Statutes.

Payment may be made by check or money order made payable to DOH-BUREAU OF RADIATION CONTROL; RADIOACTIVE MATERIALS SECTION; 4052 Bald Cypress Way, Bin C21, Tallahassee, FL 32399-17417

You are required to submit to this bureau, within 30 days of the date of this letter, a written reply to the alleged violations cited above. Your response must address at least the following:

1. Admission or denial of the alleged violations;
2. Reasons for the violations if admitted, and if denied the reasons why;
3. Corrective steps that have been taken and the results achieved, where applicable;
4. Corrective steps that will be taken to avoid further violations; and
5. The date when full compliance with Florida Administrative Code Chapter 64E-5 and your license will be achieved.

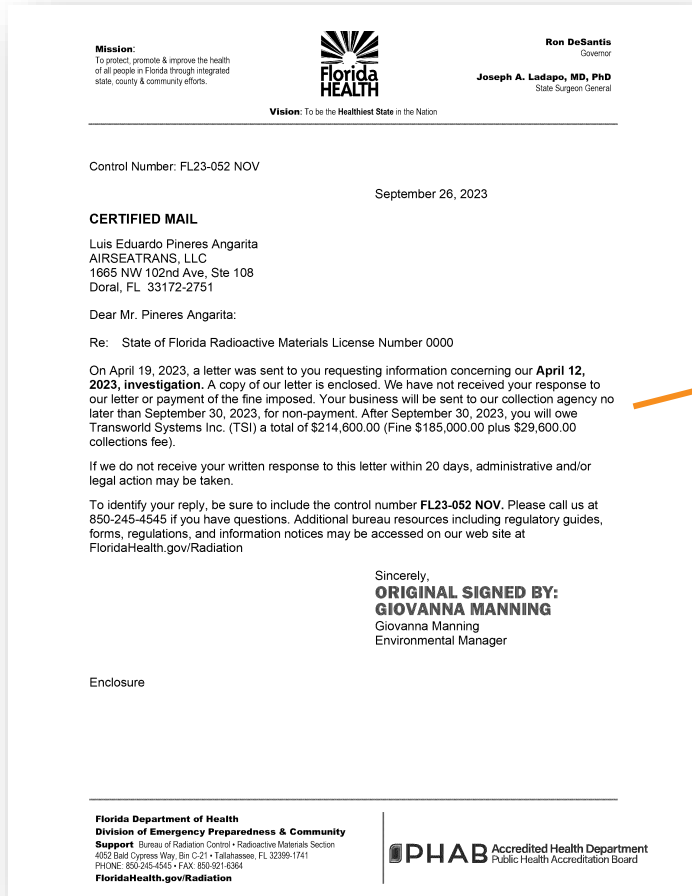
To identify your reply, be sure to include the control number FL23-052 NOV.

Please call us at (850) 245-4545 if you have any questions. Additional bureau resources including regulatory guides, forms, regulations, and information notices may be accessed on our website at [FloridaHealth.gov/Radiation](http://FloridaHealth.gov/Radiation).

Sincerely,  
**ORIGINAL SIGNED BY:**  
**GIOVANNA MANNING**  
Giovanna Manning  
Environmental Manager

With these violations, the Florida Department of Health is imposing a \$1,000 fine per day of possession (185 days) based on the information contained in item 1, for which Luis Eduardo Pineres Angarita, and AIRTRANS, LLC, had in possession unauthorized radioactive materials for a total fine of \$185,000 to be submitted with the response to this letter ...

# Enforcement Action, continued



... We have not received your response to our letter or payment of the fine imposed ...

# Enforcement Action, continued

- California Department of Public Health determined INC should have arranged for the shipment with a secure shipper for the entire domestic portion of the shipment while in transit as required by 10 CFR 37.73(e).
- On the date the shipment arrived in Miami, INC mistakenly updated the National Source Tracking System showing sources were already exported.
- INC was cited, and all California manufacturers were sent information notices.

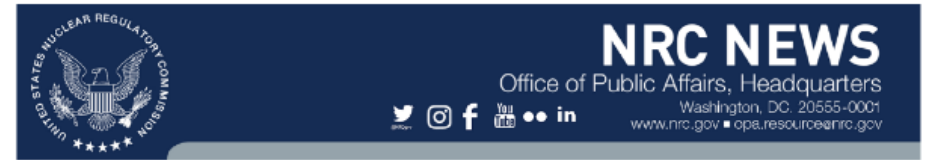
# Follow-up

- **11/2/2023** Gebeloff Law Group (Florida debt collection law firm)
- **11/6/2023** Florida Department of Health, Office of General Counsel, spoke with Ms. Machen
- **1/22/2024** Negotiations for a payment plan started
- **1/26/2024** Counteroffer in the form of a Consent Order
- **2/21/2024** Negotiations complete; Consent Order sent to be processed

# Report to Congress

## Report to Congress on Abnormal Occurrences

Section 208 of the Energy Reorganization Act of 1974, as amended (Public Law 93-438), defines an abnormal occurrence (AO) as an unscheduled incident or event that the U.S. Nuclear Regulatory Commission (NRC) determines to be significant from the standpoint of public health or safety.

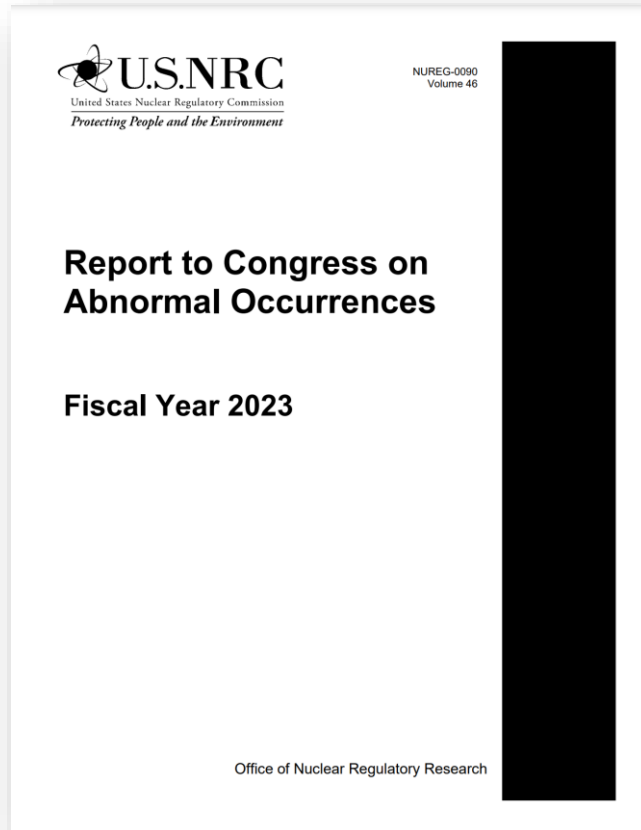


No: 24-032  
CONTACT: [Dave McIntyre](#), 301-415-8200

May 3, 2024

**NRC Identifies Eleven Abnormal Occurrences in  
FY 2023 Annual Report to Congress**

# Report to Congress, continued



## **AS23-03 Diverted Industrial Radiography Camera from Industrial Nuclear Company, San Leandro, California**

Criterion I.C.1 of Appendix A to this report provides, in part, that any stolen, diverted, abandoned, or unrecovered lost radioactive material that meets or exceeds the thresholds listed in Appendix A, “Category 1 and Category 2 Radioactive Materials,” to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material,” shall be considered for reporting as an AO.

Date and Place—April 10, 2023, Doral, Florida

# Contact Information



## Kevin Kunder

Bureau of Radiation Control/ Radioactive Materials  
Division of Emergency Preparedness and Community Support  
Florida Department of Health

850-245-4545

[Kevin.Kunder@FLHealth.gov](mailto:Kevin.Kunder@FLHealth.gov)