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**NRC PROPOSES \$5,500 FINE FOR PENNSYLVANIA MAN
FOR VIOLATION INVOLVING POSSESSION AND USE OF NUCLEAR GAUGES**

The Nuclear Regulatory Commission staff has proposed a \$5,500 fine against a Havertown (Delaware County), Pa., man for failing to properly dispose of nuclear gauges in his possession.

Alfonso DeLeo Jr. was licensed by the NRC to possess and use gauges containing radioactive material, specifically cesium-137 and americium-241. The devices are used for various industrial and construction purposes, such as measuring moisture levels in soil.

In September 1993, the NRC notified DeLeo that he was required to renew his license and pay annual user fees to the agency -- something he had not done for the preceding two years. DeLeo responded that he planned to terminate the license and transfer the two gauges in his possession to an authorized user. However, an NRC inspection in November 1994 determined he still possessed the devices. Further, he had still not paid the annual fees.

As a result of the continued non-payment of the fees, the NRC issued an order suspending DeLeo's license on February 12, 1996.

Despite repeated subsequent notices of the need to dispose of the gauges, an NRC inspection/investigation on April 1 of this year disclosed that DeLeo still had them in his possession.

NRC Region I Administrator Hubert J. Miller wrote to DeLeo on June 2, stating that he was in "willful violation" of agency requirements, which is a "significant regulatory concern because the conduct of licensed activities in accordance with the (Atomic Energy) Act and the Commission's requirements depends largely on the integrity of individuals. Your continued possession of licensed material, despite the notifications made to you, is particularly serious."

Before imposition of the fine, the NRC will grant DeLeo a grace period of 30 days to transfer the gauges to an authorized user. But if the devices are still in his possession at the end

of that period, the agency will consider, in addition to the \$5,500 civil penalty, fines of \$500 per day.

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