



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF PUBLIC AFFAIRS, REGION III

801 Warrenville Road

Lisle, IL 60532

Web Site: <http://www.nrc.gov/OPA>

No. III-01-050

November 9, 2001

CONTACT: Jan Strasma (630)829-9663/e-mail: rjs2@nrc.gov
Pam Alloway-Mueller (630)829-9662/e-mail: pla@nrc.gov

NRC STAFF PROPOSES \$3,000 FINE AGAINST WISCONSIN COMPANY FOR LOSS OF NUCLEAR GAUGE

The Nuclear Regulatory Commission staff has proposed a \$3,000 fine against Mathy Construction Company of Onalaska, Wisconsin, for violating NRC requirements associated with the loss of a portable moisture density gauge containing two sealed radioactive sources.

The gauge, which is used to measure soil conditions at road and building sites, was later recovered. The gauge was not damaged in the incident and consequently there was no immediate health or safety concern.

On July 18, the company notified the NRC that a portable moisture density gauge had been stolen from the back of a pickup truck parked at a gas station. While the gauge case was secured to the truck bed, the key had been left in the case lock and the gauge itself was not locked. A member of the public found the gauge shortly after its theft, and it was returned to the company.

The gauge contained 8 millicuries of cesium-137 and 40 millicuries of americium-241 in two sealed sources. It was being used at a temporary job site in Baraboo, Wisconsin.

The NRC staff identified two violations involving the incident including the failure to adequately secure and limit access to the gauge, and the failure to lock the gauge or the transport case when it was not under the direct surveillance of an authorized user.

In notifying the company of the proposed fine, NRC Regional Administrator James E. Dyer noted that Mathy Construction Company had taken corrective actions to prevent a reoccurrence of the situation, including additional training for employees. However, he said, a newly adopted enforcement policy provides that a fine be proposed to reflect the significance of the violation and emphasize the importance of maintaining control of licensed material. The specified fines included in the enforcement policy were developed to correspond to roughly three times the cost of proper disposal of a gauge.

Mathy Construction Company has 30 days to pay the fine or protest it. If the fine is protested and subsequently imposed by the NRC staff, the company may request a hearing.

#####