

U.S. Nuclear Regulatory Commission
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NRC TO FINE ALAMOGORDO LAB \$2,500
FOR RADIOACTIVE MATERIAL RULES VIOLATIONS

The Nuclear Regulatory Commission has proposed a \$2,500 civil penalty against Testing Laboratories, Inc., of Alamogordo, N.M., for using gauges containing radioactive material without proper licenses.

The company is licensed to use moisture/density gauges, which use a radioactive source to measure the compaction of soil at construction sites, in New Mexico, but the NRC determined that company president Ralph Abeyta committed a willful violation of NRC rules when the company did work with the gauges at White Sands Missile Range and Holloman Air Force Base in 1992, 1993 and 1995. Federal bases are under exclusive federal regulation and companies employing radioactive materials there must obtain a separate federal license and pay additional license fees.

At a meeting held at NRC regional offices in Arlington, Texas, November 26, Mr. Abeyta admitted that he knew about the regulations but elected to do the work at the Air Force bases without notifying the NRC and paying the fees as required.

L. Joe Callan, NRC Region IV Regional Administrator, said, in a letter to Testing Laboratories, Inc., "Your actions, which were apparently motivated by a desire to avoid paying fees in those calendar years, denied the NRC an opportunity to inspect and to assure that you were conducting your activities in accordance with all safety requirements."

Mr. Callan also warned the company that further deliberate violations of NRC rules could lead to criminal and civil sanctions including banning the company from using instruments containing radioactive materials.

The company must respond to the Notice of Violation in writing within 30 days. The response must document specific actions taken to prevent recurrence of the violations. During this time the company may pay the fine or file a protest.

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