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FOR IMMEDIATE RELEASE

NRC PROPOSES \$2,750 CIVIL PENALTY FOR MARYLAND FIRM  
FOR FAILING TO NOTIFY AGENCY OF NUCLEAR GAUGE USAGE

The Nuclear Regulatory Commission staff has proposed a \$2,750 fine for a Maryland construction services company that uses NRC-licensed gauges containing radioactive material. The civil penalty against Hagerstown Construction Services Inc., of Hagerstown, Maryland, stems from the use of nuclear gauges in areas under NRC jurisdiction without notifying the agency.

In addition, the NRC cited the company, but did not propose a fine, for two other alleged violations. One pertains to the use of a radioactive materials package in an impaired condition; the other a failure to properly mark a transport package.

With respect to the alleged violation involving the gauges, Hagerstown Construction Services has a license from the State of Maryland to use the gauges in that state only. The moisture\density gauges are used for various industrial and construction purposes, such as measuring moisture levels in soil.

However, the firm did work in Pennsylvania and West Virginia on numerous occasions, from approximately July 1996 until April 11 of this year, without filing the appropriate reciprocity forms with the NRC. The forms were required in order to provide the NRC with necessary notification that nuclear gauges possessed under a Maryland license were being used in areas where the NRC is responsible for oversight.

"Notification of the NRC is important since the NRC, rather than the State of Maryland, regulates the use of the gauges in the Commonwealth of Pennsylvania, State of West Virginia, and in areas of exclusive Federal jurisdiction within Maryland," NRC Region 1 Administrator Hubert J. Miller wrote to Hagerstown Construction Services.

"You should have known of the need to file these reciprocity forms since your company had filed for reciprocity with the NRC in 1993 to allow the use of gauges at a site in Somerset, Pennsylvania," Mr Miller continued. "Your Maryland license states that it is valid only within the State of Maryland."

Hagerstown Construction Services has 30 days to pay the civil penalty or to request in writing that all or part of the fine be withdrawn.