

United States Nuclear Regulatory Commission
Office of Public Affairs, Region I
475 Allendale Road King of Prussia, PA 19401
Phone: 610/337-5330 Fax: 610/337-5241
Internet: dps@nrc.gov or nas@nrc.gov

I-99-103

Contact: Diane Screni (610/337-5330)
Neil A. Sheehan (610/337-5331)

December 15, 1999
FOR IMMEDIATE RELEASE

**NRC ISSUES ORDER TO PENNSYLVANIA MAN
FOR POSSESSING NUCLEAR GAUGES WITHOUT AN NRC LICENSE**

The Nuclear Regulatory Commission has issued an order to Alfonso DeLeo, Jr., of Havertown, Pa., requiring that he transfer two gauges containing radioactive material to someone who has a license to possess them.

DeLeo was licensed by the NRC to possess and use gauges containing radioactive cesium-137 and americium-241. The devices are used for various industrial and construction purposes. The license was suspended in February 1996 for non-payment of fees. An order also was issued, requiring DeLeo to properly dispose of all licensed material in his possession. In addition he has been sent repeated notices from the NRC about the need to dispose of them.

The NRC proposed a \$5,500 fine on June 2 of this year, and informed DeLeo he would not have to pay it if he transferred the radioactive devices to an authorized user during a 30-day grace period which ended August 12. But the agency also specified that, if he failed to do so during that time, he would face additional fines of \$500 per day.

Because DeLeo still had the sources in his possession, the NRC took additional enforcement action on August 23, imposing the \$5,500 fine and also proposing an additional \$15,000 civil penalty - \$500 a day for 30 days.

Despite the previous order, the repeated notices and the previous civil penalties, DeLeo is still in possession of the gauges. This new order requires that DeLeo leak test the gauges and that they be transferred to an authorized recipient within 30 days. The NRC also is granting DeLeo a 30-day grace period to transfer the gauges to an authorized user. If he does so, the NRC has informed him, he will not have to pay the latest proposed fine. But if the gauges are still in his possession at the end of that period, the agency will consider additional fines of \$500 per day.

In the letter transmitting the order, Carl J. Papariello, Deputy Executive Director for Materials, Research and State Programs said, "If necessary, this matter will be referred to the United States Department of Justice for criminal prosecution."