

U.S. NUCLEAR REGULATORY COMMISSION
Region III Office of Public Affairs
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NRC STAFF PROPOSES \$2,500 FINE AGAINST H.H. HOLMES TESTING LABORATORIES, INC. FOR A RADIATION SAFETY VIOLATION

The Nuclear Regulatory Commission staff has proposed a \$2,500 fine against H.H. Holmes Testing Laboratories, Inc., Wheeling, Illinois, for failing to provide proper notification to the NRC when it performed work in states under NRC jurisdiction.

The company is licensed by the State of Illinois to use nuclear gauges at temporary job sites. Portable gauges containing small amounts of radioactive material are used by the company to measure moisture and density of construction material.

Since Illinois is an Agreement State -- where the state government regulates the use of radioactive materials -- the company needs to obtain NRC authorization at least three days before working in states under NRC jurisdiction, including, Wisconsin and Indiana.

An NRC investigation between July of last year through April determined that on numerous occasions between September 1992 and December 1996, H.H. Holmes used nuclear gauges in Wisconsin and Indiana without notifying the NRC.

"As radiation safety officer and company official, you are expected to be knowledgeable of and abide by all rules, regulations and license requirements which are applicable to your operation," said NRC Regional Administrator A. Bill Beach in notifying the company of the fine. "Based on the circumstances of this case, NRC has concluded that the violation was the result of, at least, careless disregard for the involved regulatory requirement."

Following the NRC investigation, H.H. Holmes applied for and received an NRC license to conduct work in non-Agreement states.

The company has until September 21 to pay the fine or to protest it. If the fine is protested and subsequently imposed by the NRC staff, the company may request a hearing.

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