

December 26, 2000

EA-99-057  
EA-99-217

Alphonso DeLeo, Jr.  
P.O. Box 312  
Ardmore, PA 19003

SUBJECT: WITHDRAWAL OF CIVIL PENALTIES

Dear Mr. DeLeo:

On August 23, 1999, the NRC sent you a letter enclosing a Notice of Violation and Proposed Civil Penalty in the amount of \$15,000, as well as an Order Imposing a Civil Penalty (Notice) in the amount of \$5,500, previously proposed by the NRC on June 9, 1999. The penalties were issued because of a violation involving willful unauthorized possession of two nuclear density gauges. These violations resulted from the suspension of your license on April 12, 1996, for non-payment of fees, and your subsequent failure to transfer the licensed material to an authorized recipient.

In addition, on December 13, 1999, we sent you an Order requiring you to leak-test the licensed material and to transfer it to an authorized recipient within 30 days. The Order also described the possibility of NRC issuing further civil penalties if you failed to comply. Further, the Order stated that all assessed civil penalties would be withdrawn if you complied with that Order, and transferred the licensed material to an authorized recipient within the stated 30 days.

On October 23, 2000, you transferred the previously leak-tested gauges to an authorized recipient. As a result, we terminated your license on November 9, 2000. In light of the transfer of the gauges and termination of the license, we have decided to withdraw the civil penalties and now consider this matter closed.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, and any response you provide will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions, please direct them to John Kinneman, in our Region I Office, at (610) 337-5252.

Sincerely,  
/RA/

R. William Borchardt, Director  
Office of Enforcement

Docket No. 030-019405  
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