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NRC Proposes \$7,500 Fine to Puerto Rico Firm for Apparent Violation Involving Nuclear Gauges

The Nuclear Regulatory Commission has proposed a \$7,500 civil penalty for a Ponce, Puerto Rico, firm for failing to dispose of or transfer portable nuclear gauges it possesses under an NRC license and for its failure to complete the decommissioning process within the required time period.

Hot Asphalt Paving, Inc. owns two portable gauges that contain small amounts of radioactive material, which are used for measuring the density of soil at construction sites.

On July 24, 2014, the NRC issued an order revoking the company's license for non-payment of fees to the agency, after which Hot Asphalt was required to dispose of or transfer the gauges to another authorized party within 60 days. The company responded on Sept. 3, 2014, that it no longer intended to use the gauges and requested additional time for their disposal or transfer. The NRC, on Nov. 24, 2014, accepted the letter as notification that the company was no longer using the gauges but did not grant the request for additional time. In a follow-up inspection report issued on Dec. 18, 2019, the NRC reported that Hot Asphalt had failed to dispose of or transfer the gauges and notified the company that the matter was being considered for escalated enforcement.

The company, in response, requested more time, was granted an additional 60 days until June 22, 2020, and did not act to dispose of or transfer the gauges. The NRC has proposed a \$7,500 civil penalty for the violation, which will not be imposed if the gauges are disposed of or transferred within 60 days.

The NRC has verified that the gauges are properly secured at Hot Asphalt's facility to prevent unauthorized access or removal.