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NUCLEAR REGULATORY COMMISSION  
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FOR IMMEDIATE RELEASE

(Thursday, January 30, 1997)

**NRC STAFF PROPOSES \$5,000 FINE  
AND TERMINATES LICENSE OF WEST VIRGINIA COMPANY**

**NRC Also Prohibits Company Owner from NRC-Licensed Activities for  
Five Years**

The Nuclear Regulatory Commission staff has proposed a \$5,000 civil penalty against Nelson Excavating, Inc. of Thomas, West Virginia for violations of NRC requirements related to a moisture density gauge containing NRC-licensed radioactive materials.

The NRC staff is also terminating the license of the company after Nelson Excavating transferred the gauge to another NRC licensee and requested termination. In addition to the fine and license termination, the NRC staff has issued an order prohibiting the involvement of company owner James C. Nelson in NRC-licensed activities for a period of five years.

During inspections at Nelson Excavating in March and August 1996, the NRC staff determined that for more than eight years, the company had deliberately provided inaccurate information concerning the individual who functioned as Radiation Protection Officer. NRC inspectors also found that the company deliberately used the moisture density gauge on numerous occasions after the company's license had been suspended.

The order issued to Nelson comes as a result of his role in the deliberate use of the gauge during the license suspension and deliberately providing inaccurate information to the NRC.

The company has 30 days to either pay the fines or to protest their imposition.

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