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I-98-40

April 14, 1998

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FOR IMMEDIATE RELEASE

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NRC PROHIBITS PENNSYLVANIA COMPANY FROM USING NUCLEAR GAUGES

The Nuclear Regulatory Commission has revoked the radioactive materials license of a southwestern Pennsylvania company for violating agency requirements. The violations include rendering deliberately inaccurate statements to NRC officials and allowing the unauthorized use of nuclear measuring devices.

In addition to barring J&L Testing from using nuclear gauges, the NRC also issued orders precluding the firm's president and the head of an affiliated company, J&L Engineering Inc., from taking part in any NRC-licensed activities for five years.

J&L Testing, based in Canonsburg, Pa., southwest of Pittsburgh, held an NRC license that allowed it to possess and use portable nuclear gauges containing cesium-137 and americium-241 sealed sources. The devices are used to take moisture density measurements at locations such as construction sites. The license was due to expire in February 2000.

Previously, J&L Engineering held an NRC license for the use of the gauges. However, that license was revoked in August 1993 for non-payment of NRC fees. When that occurred, the firm was ordered to cease use of the radioactive materials, properly dispose of them and notify the NRC that the disposal had taken place. J&L Engineering's owner and president, John Boschuk Jr., wrote to the NRC on October 11, 1994, to assure the agency the gauges had not been used for more than two years.

On November 21, 1994, J&L Testing, whose president is Boschuk's wife, Lourdes Boschuk, submitted an application to the NRC asking that the former J&L Engineering license be restored and transferred to J&L Testing so that that company could use the gauges. Relying upon J&L Testing's application and its statement that the devices had not been removed from storage since the J&L Engineering license was revoked, the NRC issued the new license on February 7, 1995.

Subsequently, in early August 1995, the NRC conducted an inspection of J&L Testing's facility. During that visit, an NRC

inspector determined, after looking at company records, that one of the gauges (that both J&L Testing and J&L Engineering had maintained had not been used during the time the license was revoked) had, in fact, been rented to a Bridgeville, Pa., construction company in September 1994.

Further review by the NRC's Office of Investigations concluded that J&L also committed a number of other violations. For example, Lourdes Boschuk stated at an NRC predecisional enforcement conference on September 15, 1995, that a specific gauge had remained in storage and not been used. In fact, that gauge was rented to another company on September 6, 1995, for use at the Brookhaven Landfill in New York State. It was not returned to J&L Testing until September 19 or 20. Also, a witness testified that the Boschuks and others destroyed, altered, sanitized or otherwise disposed of records shortly after the NRC inspection to conceal the unauthorized use and/or transfer of gauges.

The NRC suspended J&L Testing's license on September 27, 1995, while the matters involved were being investigated.

J&L Testing has 20 days to request a hearing on the decision or an extension of time in which to make such a request.

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