



NRC NEWS

**UNITED STATES NUCLEAR REGULATORY COMMISSION
OFFICE OF PUBLIC AFFAIRS, REGION II**

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NRC PROPOSES \$8,800 FINE AGAINST WEST VIRGINIA COMPANY FOR RADIOACTIVE MATERIAL VIOLATIONS

The Nuclear Regulatory Commission staff has proposed an \$8,800 civil penalty against Bass Energy, Inc. of Bruceton Mills, West Virginia, for violations of NRC license requirements related to the use and control of a fixed gauge (a coal ash analyzer) containing radioactive material.

The NRC has notified the company that the violations, found during an inspection in September 1999 and a subsequent investigation, include twice failing to obtain written consent from the NRC prior to transferring control of the licensed material to unlicensed companies, failing to take steps to prevent unauthorized access to the material, and failing to provide complete and accurate information to the NRC.

The NRC inspection and investigation found that Bass Energy permitted both Burning Rock Coal Company and Gladly Fork Mining Company to possess a gauge without transferring the license to those companies. Although no significant radiological event occurred while the unlicensed companies were using the gauge, the failure to properly transfer, secure and limit access to licensed radioactive material is a serious matter because there is the potential for unnecessary radiation exposure to the public.

Although Bass Energy was notified last fall of the NRC requirements, the company failed to take adequate actions to assure compliance, and the NRC staff determined that subsequent company actions, including providing inaccurate information, represented willful violations of NRC regulatory requirements. The base civil penalty for these violations is \$4,400, but because the NRC identified the violations and the company did not take comprehensive corrective actions, the fine is doubled to \$8,800.

The company has 30 days from receipt of the Notice of Violation to either pay the fine or protest its imposition.

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