



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

November 14, 2005

Docket No. 99990001  
EA 05-208

General License

Frank Derrick  
General Manager  
Reading Anthracite Company  
Girard Breaker  
Route 54 East  
Girardville, PA 17935

**SUBJECT: INSPECTION 99990001/2005006, READING ANTHRACITE COMPANY,  
POTTSVILLE, PENNSYLVANIA SITE AND EXERCISE OF DISCRETION**

Dear Mr. Derrick:

On May 25, 2005, Ronald G. Rolph of this office conducted a safety inspection at 46 West Mount Laffee Road, Pottsville, Pennsylvania of activities authorized by the general license in 10 CFR 31.5. The inspection included a review of access control and security for the licensed material, shielding of the licensed material, safety measures that limit other hazards, and the skill and knowledge of personnel. Additional information provided during telephone conversations with Leonard Haspe of your organization on July 12, 2005, July 20, 2005, and October 15, 2005 was also examined as part of the inspection. The apparent findings of the inspection were discussed during the telephone conversation on October 15, 2005.

During March and April of 2004, devices containing byproduct material possessed pursuant to the general license in 10 CFR 31.5 were removed from installation by a person who does not hold a specific license issued pursuant to Parts 30 and 32. Specifically, 10 fixed gauging devices were removed from installation and moved to an unoccupied locked office by a person who did not have a specific license to perform this activity. Although removal of the devices is a violation of 10 CFR 31.5, we are exercising enforcement discretion in accordance with the Interim Enforcement Policy for Generally Licensed Devices (May 1, 2000; 65 FR 25368), and not issuing any enforcement action for this violation because (1) your actions were not willful, (2) you identified and reported the violation to the NRC, and, (3) you took appropriate corrective action to address the violation and prevent recurrence of similar problems. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

No other violations were identified during this inspection. Based on discussions with Mr. Haspe during telephone conversations, we understand you plan to request authorization to move the devices to another location to be kept in standby for future use. We will evaluate that request when it arrives and will respond to it in separate correspondence.

F. Derrick  
Reading Anthracite Company

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Your cooperation with us is appreciated.

Sincerely,

***Original signed by Francis Costello***

George Pangburn, Director  
Division of Nuclear Materials Safety

cc:  
Commonwealth of Pennsylvania

F. Derrick  
Reading Anthracite Company

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