

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)

Joseph Paolino & Sons, Inc.)
ATTN: Radiation Safety Officer)
3201 S. 61st Street)
Philadelphia, Pennsylvania 19153)

Docket No. 030-22026
License No. 37-20746-01

ORDER REVOKING LICENSE

I

Joseph Paolino & Sons, Inc. (Licensee) is the holder of Materials License No. 37-20746-01, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to the Atomic Energy Act, as amended, 42 U.S.C. §§ 2011 *et seq.*, that authorizes the activities stated therein. The license has an expiration date of December 31, 1994.

II

Pursuant to 10 C.F.R. § 171.16, the Licensee is required to pay an annual fee. The Licensee's annual fee for this license for Fiscal Year 1992, as set forth in fee category 3P of 10 C.F.R. § 171.16(d), is \$2,250.00. As provided in 10 C.F.R. § 171.19, the Licensee's fee payment for Fiscal Year 1992 was due on August 24, 1992. The Commission sent Invoice AM02575-92 dated August 24, 1992, to the Licensee requesting payment of the annual fee described above within 30 days. The Commission sent a second notice of payment due to the Licensee on September 24, 1992. On October 24, 1992, the Commission sent a third, final notice of payment due, together with a Notice of Delinquent Debt (Notice), to the Licensee. The final notice of payment due specifically informed the Licensee that "nonpayment of your fee may result in the Revocation of your License in accordance with the enforcement provisions

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of the Commission's regulations," namely, 10 C.F.R. § 171.23. To date, the Licensee has not paid the annual fee required by 10 C.F.R. Part 171.

III

In view of the foregoing and pursuant to Sections 53, 57, 62, 63, 81 (as applicable), and Sections 161b, 161c, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2073, 2077, 2092, 2093, 2111, 2232 and 2236, and the Commission's regulations in 10 C.F.R. § 2.202, 10 C.F.R. § 171.23, and 10 C.F.R. Parts 30-35, 40, and 70 (as applicable), IT IS HEREBY ORDERED THAT:

- A. Thirty (30) days from the effective date of this Order, Materials License No. 37-20746-01 is revoked, except that it continues in effect with respect to possession of residual licensed nuclear material present as contamination or in other forms until the Commission notifies the Licensee in writing that the License is terminated;
- B. Beginning thirty (30) days from the effective date of this Order and until the Commission notifies the Licensee in writing that the License is terminated, the Licensee shall:
 - 1. limit actions involving licensed nuclear material to those related to decommissioning; and
 - 2. continue to control entry to restricted areas until they are suitable for release for unrestricted use;
- C. The Licensee shall dispose of any licensed nuclear material acquired or possessed under the authority of License No. 37-20746-01 within thirty (30) days after the effective date of this Order, either by returning the material to the manufacturer or transferring it to another person licensed to possess the same material;

- D. Within 5 days after disposal of the material, the Licensee shall notify in writing the Regional Administrator for NRC Region I, at 475 Allendale Road, King of Prussia, PA 19406, of the disposition of any licensed material which may have been possessed on the date of the Order under authority of License No. 37-20746-01; and
- E. Within thirty (30) days of the effective date of this Order, the Licensee shall conduct a radiation survey of the premises where the licensed activities were carried out, as set forth in 10 C.F.R. § 30.36(c)(1)(v), 40.42(c)(1)(v), and 70.38(c)(1)(v), as applicable, and submit a report of the results of this survey to the Regional Administrator for NRC Region I, 475 Allendale Road, King of Prussia, PA 19406.

Failure to comply with any of the above conditions may result in further enforcement action, including, but not limited to, daily civil monetary penalties for noncompliance beyond any deadline established above.

The Deputy Chief Financial Officer/Controller may relax or rescind the above conditions upon the Licensee's showing, in writing and under oath or affirmation, of good cause.

IV

The Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 30 days of the date of this Order. The answer shall specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why this Order should not have been issued. Any answer filed within 30 days of the date of this Order may include

a request for a hearing. Any answer or request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Branch, Washington, D.C. 20555. Copies also shall be sent to the Deputy Chief Financial Officer/Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Assistant General Counsel for Hearings and Enforcement at the same address; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555; the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406; and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 C.F.R. § 2.714(d).

In lieu of filing an answer to the Order, the Licensee may pay the prescribed annual fee, together with the amounts specified below, within thirty (30) days of the date of this Order. This Order is rescinded in the event the Licensee remits the required fee of \$2,250.00 plus applicable interest, penalties, and administrative charges of \$404.54 through August 30, 1993, for a total of \$2,654.54. If payment is received prior to August 30, 1993, a deduction of \$.37 per day for interest and penalties may be made from the total amount of \$2,654.54.

If the Licensee or a person whose interest is adversely affected requests a hearing, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

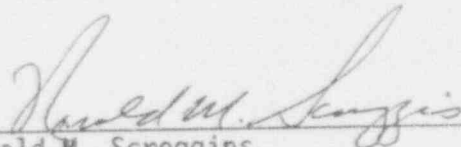
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In the absence of any request for hearing, this Order shall be final and effective 30 days from the date of this Order without further order or proceedings.

VI

The \$2,250.00 fee plus interest, penalties and administrative charges of \$404.54 through August 30, 1993, for Invoice AM02575-92 is a delinquent debt to the United States. Failure to make a remittance of \$2,654.54 within 30 days of the date of this Order may, pursuant to 10 C.F.R. Part 15, result in referral of the delinquent debt to a collection agency, referral to the U.S. General Accounting Office or the U.S. Department of Justice for litigation, or other action deemed appropriate. Pursuant to 10 C.F.R. § 15.29, the Commission may not consider a new application for a license from the Licensee unless all previous delinquent debts of the Licensee to the NRC, including the delinquent debt identified in this Order, have been paid in full.

FOR THE NUCLEAR REGULATORY COMMISSION



Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Dated at Rockville, Maryland
this *30th* day of *July*, 1993

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DISTRIBUTION:

B3 Orders Revoking Licenses File w/copy of backup
Materials Annual Fee Correspondence File
PDR w/copy of backup
License File 37-20746-01 w/cy of backup
Invoice File AM02575-92 w/cy of backup
RScroggins, OC
JFunches, OC
JHolloway, OC
OC R/F
JLieberman, OE
GFehst, OGC
Reactor Licensing, OGC
JGlenn, NMSS
VMiller, OSP
TMartin, Regional Administrator, RI
DHolody, Jr., Enforcement Coordinator, RI
FCostello, RI
RBrown, RI
CBuracher, RI
EBlack, OC/DAF
DDandois, LFDCB
GJackson, LFDCB
DWeiss, LFDCB w/cy of backup
LFDCB R/F (2)
OC/DAF R/F

OFFICE:

NAME:

DATE:

LFDCB

DWeiss

7/16/93

LFDCB

LTremper

7/1/93

LFDCB

GJackson

7/14/93

LFDCB

DDandois

7/14/93

DAF

EBlack

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OFFICE:

NAME:

DATE:

NMSS

JGlenn

7/23/93

OGC MR for GF

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