

JUN - 2 1994

Docket No. 030-18999

License No. 37-16492-02
Expiration Date: May 31, 1992

Gilberton Coal Company
ATTN: Mr. Albert Flaim
Radiation Safety Officer
Gilberton, Pennsylvania 17934

Dear Mr. Flaim:

Subject: **EXPIRED LICENSE**

This concerns your status as a former licensee of the Nuclear Regulatory Commission (NRC). By letter dated March 8, 1993, you were advised that you were no longer authorized to possess or use NRC licensed material as a result of your failure to formally, in writing, renew or retire your license. You were directed to sell or otherwise dispose of the devices and any sources by transferring them to an entity holding a valid, specific NRC or Agreement State license (10 CFR 30.41). Recent communications with the NRC, Region I office, indicate that licensed material in the form of Cesium-137 sealed sources remain in your possession. This constitutes unauthorized possession of licensed material. You are reminded that all licensed material in your possession must be transferred to an authorized recipient.

You should be aware that unauthorized possession of licensed material constitutes a violation of 10 CFR 30.3. The Atomic Energy Act (the Act), provides both civil and criminal penalties for violations of the Act and regulations issued pursuant to it. Under Section 234 of the Act, any person who violates the Act is potentially liable for a civil penalty which may be assessed at the rate of up to \$100,000 per day. Furthermore, injunctive relief may also be sought. You should be aware also that Section 223 of the Act provides for criminal prosecution for willful violations of the Act. If you have not completed transfer of all remaining licensed material within 30 days of the date of this letter, the NRC will take appropriate action.

If you are unable to transfer the licensed material in your possession within the 30 day period, you must advise the Region I office, in writing, of the details of your efforts to find an authorized recipient for the material and why you cannot transfer or otherwise dispose of the material. The information should include the identities of the entities contacted, the nature of the contact, the fee quoted, if any, and the reason why the entity refuses to accept the material, if it does so.

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Gilberton Coal Company

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If you have any questions concerning this matter, please contact Dr. Walter J. Pasciak of this office at 610-337-5258. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice", a copy of this letter will be placed in the NRC's Public Document Room.

Sincerely,

Original Signed By:
Charles W. Hehl

Charles W. Hehl, Director
Division of Radiation Safety and
Safeguards

cc:

Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
Commonwealth of Pennsylvania

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bcc:

Region I Docket Room (w/concurrences)

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