

NOTICE OF VIOLATION

Cumberland Village Mining Group
Nashville, Tennessee

Docket No. 999-90002
License No. General License
(10 CFR 31.5)
EA 94-246

During an NRC inspection conducted between March 18 and November 30, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

10 CFR 31.5(a), in part, issues a general license to commercial and industrial firms to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraph (c) of this section, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling level.

10 CFR 31.5(c) requires, in part, any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section shall transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license to receive the device pursuant to parts 30 and 32 of this chapter or from an Agreement State.

Contrary to the above, the licensee transferred a device containing byproduct material to a person who did not possess a specific license to receive the device. Specifically, as a result of the sale of the licensee's Matewan, West Virginia coal preparation plant, a device containing 100 millicuries of cesium-137 was transferred from the licensee to Rawl Sales and Processing Company, a mining company, which did not hold a specific license to receive the device.

This is a Severity Level III violation (Supplement IV).

Dated at Atlanta, Georgia
This 9th day of January 1995

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