

December 6, 1994

Mr. Joseph F. Saporito, Jr.  
Saporito & Saporito  
Attorneys at Law, Suite 202  
Four Hundred Ninety North Main Street  
Pittston, PA 18640

Dear Mr. Saporito:

By our letter to Mr. Anthony J. Mucciolo of Addy Asphalt Company dated November 2, 1994, we issued a Notice of Violation for possession of radioactive material without a valid NRC license. In your letter to me dated November 8, 1994 you indicated that you represented Addy Asphalt Company for several years. You also indicated that they have been out-of-business since June, 1992.

Subsequently, Ms. Gerry Fehst, Attorney for NRC Region I, contacted you by telephone and you informed her that another company had purchased the equipment owned by Addy Asphalt Company. Upon further investigation we have determined that the property of Addy Asphalt Company was sold at auction on June 2, 1992. We also determined that one radioactive moisture density gauge, documented in auction records as Lot # 263, was purchased by a company holding an NRC specific license appropriate for the device.

At this point in time it is our objective to terminate the Addy Asphalt license. Before we can do that we need to confirm that all radioactive material possessed has been transferred. The license that was issued to Addy Asphalt Company allowed them to possess up to ten gauges at any one time. The auction records indicate that only one device was transferred and it may be that they only possessed one.

In order for us to come to a resolution on this case, we need information on the number of devices that were owned by Addy Asphalt Company, and to whom they have been transferred. It also would be helpful if we could get records of the latest leak test results the company was required to take under their license requirements. On December 2, 1994, I spoke with Mr. Carl Saporito of your office and he indicated that he may be able to help us get some of this information. He also informed me that the past officers of Addy Asphalt Company were deceased.

I have included an NRC-314 Form. Under NRC regulations, a licensee is required to complete this form and submit it to the NRC upon termination of NRC licensed activities. It would be most helpful if you could provide us with any information required of the form and records regarding the number of devices owned by the company.

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REGION I

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Mr. J. F. Saporito, Jr.

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We appreciate any assistance you can provide.

Sincerely,

Original Signed By:

Walter J. Pasciak, Chief  
Industrial Applications Section C  
Nuclear Materials Safety Branch  
Division of Radiation Safety and  
Safeguards

Docket No. 030-20727  
License No. 37-20692-01

Enclosure: NRC-314

cc:  
Commonwealth of Pennsylvania

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Mr. J. F. Saporito, Jr.

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