



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD - SUITE 102  
KING OF PRUSSIA, PA 19406-1415

March 14, 2024

EA-23-068

John Hale, Jr.  
Phoenix Federal No. 2 Mining, LLC  
863 Quail Valley Drive  
Princeton, West Virginia 24740

**SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$9,000 – PHOENIX FEDERAL NO. 2 MINING, LLC, NRC INSPECTION REPORT NO. 2022001**

Dear John Hale, Jr.:

This letter refers to the inspection by the U.S. Nuclear Regulatory Commission (NRC) at the Phoenix Federal No. 2 Mining, LLC (Phoenix) complex in Fairview, West Virginia from March 1, 2023, through December 13, 2023. The inspection was performed to determine the current ownership of the site, which was previously listed as a location of use under NRC License No. 47-23053-01, issued to ERP Federal Mining Complex, LLC (ERP). The NRC also evaluated the status of any radioactive material under NRC regulatory authority remaining therein.

Based on the results of this inspection, the NRC determined that you are the current owner of the Phoenix facility and that licensable radioactive material remained onsite. The NRC staff identified one apparent violation (AV) of NRC requirements. The AV was described in the inspection report sent to you with a letter dated December 13, 2023 ([ML23300A105](#))<sup>1</sup>, and involves the possession of regulated material without authorization in a specific or general license, contrary to the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 30.3(a).

In the December 13, 2023, letter transmitting the inspection report, we informed you that the AV was being considered for escalated enforcement action, including a civil penalty. In the letter, we provided you the opportunity to address the AV identified in the report by attending a pre-decisional enforcement conference. We also informed you that the NRC would not propose a civil penalty if, within 30 days of the date of the letter, you informed us in writing of your plans to complete the proper transfer or disposal of the gauges within 60 days of the date of the letter. In an email dated January 11, 2024 ([ML24031A263](#)), you informed NRC staff that you had identified two potential certified groups to prepare a written report and either apply for a new license or remove and dispose of the devices. However, as of the date of this letter, you have not submitted a specific plan for completing the proper transfer or disposal of the gauges and Phoenix remains in possession of the regulated material without authorization of an NRC

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

license. Therefore, the NRC has determined that a violation of NRC requirements occurred and is proceeding with enforcement action.

The violation is cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice). In assessing the significance of this violation, the NRC considered that the possession and use of regulated material by an unlicensed entity increases the likelihood for misuse or mishandling of the radioactive material, resulting in greater potential exposures to members of the public. Therefore, the NRC has assessed this violation at Severity Level (SL) III, in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy, a base civil penalty in the amount of \$9,000 is typically considered for an SL III violation by a small nuclear materials facility like Phoenix (see Tables 8A.e and 8B of the Enforcement Policy). Because your facility has not been the subject of escalated enforcement actions previously, the NRC considered whether credit was warranted for corrective action in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC determined that corrective action credit was not warranted because, as noted above, Phoenix has not corrected the violation. Therefore, to emphasize the importance of compliance with NRC regulatory requirements and of the need for prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the civil penalty provided in the Notice in Enclosure 1, in the base amount of \$9,000 for the SL III violation.

The NRC's primary interest in this matter remains ensuring that Phoenix meets its obligation to ensure the proper transfer or disposal of the regulated material in its possession. Accordingly, the NRC will not impose the \$9,000 civil penalty if, within **60** days of the date of this letter, Phoenix properly disposes of or transfers the gauges remaining on site and sends the following information documenting that the material has been transferred or disposed of to the Regional Administrator, NRC Region I, 475 Allendale Rd. Suite 102, King of Prussia, PA 19406-1415: (i) a completed NRC Form 314, "Certificate of Disposition of Materials" (Enclosure 2); and (ii) a copy of the certification from the authorized recipient that the material has been received. In your January 11, 2024, email, you described potentially dismantling the facility and having all items removed from the site. Please note that any activities involving handling of the gauges, including preparing them for transfer and disposal, must be performed by an entity that is licensed by the NRC or by an NRC Agreement State to perform such activities.

If Phoenix completes the actions described above, the NRC will forgo imposition of any civil penalty. However, if Phoenix does not complete the above actions, the NRC will issue an Order to impose the \$9,000 civil penalty and will consider the imposition of additional daily civil penalties, in accordance with Section 2.3.4 of the Enforcement Policy, that would continue to be assessed until Phoenix addresses the violation by properly disposing of or transferring its material. If the NRC concludes that your failure to properly dispose of or transfer the gauges is willful, the NRC will also consider referring your actions to the Department of Justice for possible criminal prosecution.

To aid with your disposal efforts, the NRC staff encourages you to identify and coordinate with radioactive waste service providers in your area. As the staff has previously communicated to you, assistance can be provided to you by independent organizations such as the Conference of Radiation Control Program Directors (CRCPD), which can provide information on radioactive source disposal options and recycling events that may be available at a reduced cost.

Additional information about the CRCPD's assistance with unwanted radioactive material can be found at <https://crcpd.org/assistance-with-unwanted-radioactive-material/>.

To pay the proposed civil penalty, submit your payment, with the invoice enclosed to this letter (Enclosure 3), to the following address:

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

In addition, you may pay the proposed civil penalty in accordance with NUREG/BR-0254, "Payment Methods," provided as Enclosure 4. When using NUREG/BR-0254 to pay the civil penalty, the invoice number should be used as the "enforcement action identifier" when submitting your payment through one of the approved methods listed in the brochure. The NRC may consider a request for additional time to pay the proposed civil penalty, including the option to enter into an installment agreement, if payment of the civil penalty as a lump sum in the required timeframe would pose a financial hardship. To request additional time to pay, you must submit a written request, with appropriate justification explaining your financial hardship, to [NRCCollections.Resource@nrc.gov](mailto:NRCCollections.Resource@nrc.gov). Any such request should be submitted in sufficient time to allow the NRC the ability to review the request for additional time to pay before the 60-day payment period expires.

If you disagree with this enforcement sanction, you may deny the violation, as described in the Notice, or you may request alternative dispute resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral third party (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's ADR program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Monica Ford at 610-337-5214 or [Monica.Ford@nrc.gov](mailto:Monica.Ford@nrc.gov) within 10 days of the date of this letter. You may also contact both ICR and Monica Ford for additional information. Your submitted signed agreement to mediate using the NRC ADR program will stay the 30-day time period for payment of the civil penalty and the required written response, as identified in the enclosed Notice, until the ADR process is completed.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <https://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

If you have any questions concerning this matter, please contact Monica Ford of my staff at 610-337-5214 or [Monica.Ford@nrc.gov](mailto:Monica.Ford@nrc.gov).

Sincerely,

Raymond K. Lorson  
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. NRC Form 314, "Certificate of Disposition of Materials"
3. Civil Penalty Invoice
4. NUREG/BR-0254, "Payment Methods"

Docket No. N/A

License No. N/A

cc w/Enclosures: State of West Virginia

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -  
 \$9,000 – PHOENIX FEDERAL NO. 2 MINING, LLC,  
 NRC INSPECTION REPORT NO. 2022001 DATED

**DISTRIBUTION w/encl:**

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X SUNSI Review/ MMM		X Non-Sensitive □ Sensitive			X Publicly Available □ Non-Publicly Available	
OFFICE	RI/ORR	RI/DRSS	RI/ORR	RI/ORR	OE	NMSS
	M McLaughlin	M Ford	B Klukan	J Nick	J Peralta	M Burgess
DATE	1/31/24	1/31/24	2/01/24	2/05/24	2/22/24	2/21/24
OFFICE	OGC				RI/DRSS	RA
NAME	R Carpenter NLO				P Krohn	R Lorson
DATE	2/27/24				2/29/24	3/14/24

OFFICIAL RECORD COPY

## ENCLOSURE 1

### NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY

Phoenix Federal No. 2 Mining  
Fairview, West Virginia

Docket No.: N/A  
License No.: N/A  
EA-23-068

During an NRC inspection conducted between March 1, 2023, and December 13, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below:

10 CFR 30.3(a) states, in part, that no person shall acquire, own, or possess byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter.

Contrary to the above, as of approximately June 7, 2018, Phoenix Federal No. 2 Mining, LLC acquired, owned, and possessed byproduct material that was not authorized in a specific or general license issued in accordance with the regulations in Chapter I of Title 10 of the *Code of Federal Regulations*. Specifically, the company purchased a coal mining facility in Fairview, West Virginia, from the licensed entity. The facility contained equipment left by the previous owner, which included byproduct material in the form of fixed nuclear gauges containing sealed sources [4 Ronan Engineering Model SA-1 fixed gauges containing up to 505 mCi of cesium-137 each; 200 mCi of cesium-137 in a ThermoProcess Instruments, LP, Model 5201 fixed gauge; and one Cross-Belt Elemental Analyzer containing sealed sources of cesium-137 (10 mCi) and up to three californium-252 sources (14 mCi each)]. Phoenix Federal No. 2 Mining, LLC does not have a specific or general license authorizing possession of this material.

This is a Severity Level III Violation (NRC Enforcement Policy Section 6.3).  
Civil Penalty - \$9,000 (EA-23-068)

Pursuant to the provisions of 10 CFR 2.201, Phoenix Federal No. 2 Mining, LLC (Phoenix) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a copy to the Document Control Desk, Washington, DC 20555-0001, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation and Proposed Imposition of Civil Penalty; (EA-23-068)" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an Order or a Demand for Information requiring you to explain why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown.

The NRC's primary interest in this matter remains ensuring that Phoenix meets its obligation to transfer or dispose of the regulated material in its possession. Accordingly, the NRC will not impose the \$9,000 civil penalty if, within **60** days of the date of this letter, Phoenix properly disposes of or transfers the nuclear gauges in its possession and sends the following information to the NRC documenting that the material has been transferred or disposed of as described below: (i) a completed NRC Form 314, "Certificate of Disposition of Materials" (Enclosure 2); and (ii) a copy of the certification from the authorized recipient that the material has been received.

If Phoenix completes the actions described above, the NRC will forgo imposition of any civil penalty. However, if Phoenix does not complete the above actions, the NRC will issue an Order to impose the \$9,000 civil penalty and will consider the imposition of additional daily civil penalties, in accordance with Section 2.3.4 of the Enforcement Policy, that would continue to be assessed until Phoenix addresses the violation by transferring or disposing all regulated material in its possession.

Phoenix may pay the civil penalty proposed above through one of the following two methods:

1. Submit the payment with the enclosed invoice for Civil Penalty EA-23-068, issued to Phoenix Federal No. 2 Mining, LLC, to the following address:

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

OR

2. Submit the payment in accordance with NUREG/BR-0254.

Phoenix may protest the imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 60 days of the date of this Notice. Should Phoenix fail to answer within 60 days of the date of this Notice, the NRC will issue an Order imposing the civil penalty. Should Phoenix elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the response should address the factors addressed in Section 2.3.4 of the Enforcement Policy. Any written answer addressing these factors pursuant to 10 CFR 2.205 should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Your attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234 of the Act, 42 U.S.C. 2282(c).

The responses noted above, i.e., Reply to Notice of Violation, Statement as to Payment of Civil Penalty, and Answer to a Notice of Violation, should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with copies to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Rd., Suite 102, King of Prussia, PA 19406-1415, and the Document Control Center, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, classified or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 14th day of March, 2024.



Enclosure 2  
NRC Form 314, "Certificate of Disposition of Materials"



**CERTIFICATE OF DISPOSITION  
OF MATERIALS**

Estimated burden per response to comply with this mandatory collection request: 30 minutes. This submittal is used by NRC as part of the basis for its determination that the facility is released for unrestricted use. Send comments regarding burden estimate to the FOIA, Library, and Information Collections Branch (T-6 A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by email to [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov), and the OMB reviewer at: OMB Office of Information and Regulatory Affairs, (3150-0028), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

Licensee Name and Address

License Number

Expiration Date

Docket Number

**A. LICENSE STATUS** (Check the appropriate box)

- This license has expired.  This license has not yet expired; please terminate it.

**B. DISPOSAL OF RADIOACTIVE MATERIAL**

(Check the appropriate boxes and complete as necessary. If additional space is needed, provide attachments)

The licensee, or any individual executing this certificate on behalf of the licensee, certifies that:

- 1. No radioactive materials have ever been procured or possessed by the licensee.
- 2. All activities authorized by this license have ceased, and all radioactive materials procured and/or possessed by the licensee under this license number cited above have been disposed of in the following manner.
  - a. Transfer of radioactive materials to the licensee listed below:
  - b. Disposal of radioactive materials:
    - 1. Directly by the licensee:
    - 2. By licensed disposal site:
    - 3. By waste contractor:
  - c. All radioactive materials have been removed, any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is ALARA.
  - d. Acknowledgment of receipt of the material by transfer or by disposal site is attached:

**C. SURVEYS PERFORMED AND REPORTED**

- 1. A radiation survey was conducted by the licensee. The survey confirms:
  - a. the absence of licensed radioactive materials
  - b. that any remaining residual radioactivity is within the limits of 10 CFR 20, Subpart E, and is ALARA.
- 2. A copy of the radiation survey results:
  - a. is attached; or  b. is not attached (Provide explanation); or
  - c. was forwarded to the NRC

Email Address: \_\_\_\_\_ on: Date: \_\_\_\_\_
- 3. A radiation survey is not required as only sealed sources were ever possessed under this license, and
  - a. The results of the latest leak test are attached; and/or
  - b. No leaking sources have ever been identified.

The person to be contacted regarding the information provided on this form:

Name	Title	Telephone Number (Include area code)	E-mail Address

Mail all future correspondence regarding this license to:

**C. CERTIFYING OFFICIAL**

**I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT**

Printed Name and Title	Signature of Certifying Official	Date

# CERTIFICATE OF DISPOSITION OF MATERIALS

PLEASE READ THESE INSTRUCTIONS BEFORE COMPLETING NRC FORM 314.

Subpart E of 10 CFR Part 20 establishes the radiological criteria for license terminations/decommissioning of facilities licensed under 10 CFR Parts 30, 40, 50, 60, 61, 70, and 72, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended.

## INSTRUCTIONS

### Section B, Item 2.

Licensees should describe the specific radioactive material transfer actions. If radioactive wastes were generated in terminating this license, the licensee should describe the disposal actions taken, including the disposition of low-level radioactive waste, mixed waste, greater-than-Class-C waste, and sealed sources.

### Section B, Item 2.a.

The information provided concerning the transfer of radioactive material to another licensee should specify the date of the transfer, the name of the licensee recipient, an individual contact name and telephone number for the licensee recipient, and the recipient's NRC or Agreement State license number.

### Section B, Item 2.b.

For disposal of radioactive materials, licensees should describe the specific disposal method or procedure (e.g., decay-in-storage). For those cases when radioactive materials are disposed of by a licensed disposal site or by a waste contractor, the licensee should specify the name, address, and telephone number of the licensed disposal site operator or waste contractor.

### Section B, Item 2.c.

"Residual radioactivity," as defined in 10 CFR 20.1003, means radioactivity in 'areas' (structures, materials, soils, etc.) remaining as a result of activities (licensed and unlicensed) under the licensee's control from sources used by the licensee, excluding background radiation. ALARA is defined in 10 CFR 20.1003.

### Section B, Item 2.d.

For transfer of radioactive materials licensees should attach a record of receipt from the recipient that contains information regarding what was received (e.g., radioactive materials for disposal or transfer.)

## FILE CERTIFICATES AS FOLLOWS:

### IF YOU ARE LOCATED IN:

**ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND CERTIFICATES TO:**

LICENSING ASSISTANCE TEAM  
DIVISION OF RADIOLOGICAL SAFETY AND SECURITY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
475 ALLENDALE ROAD, SUITE 102  
KING OF PRUSSIA, PA 19406-1415  
[R1DRSSMail.Resource@nrc.gov](mailto:R1DRSSMail.Resource@nrc.gov)

\*Note: The preferred method to submit NRC Form 314 is email.

**ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND CERTIFICATES TO:**

MATERIALS LICENSING SECTION  
DIVISION OF RADIOLOGICAL SAFETY AND SECURITY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352  
[R3-DRSSMAIL.Resource@nrc.gov](mailto:R3-DRSSMAIL.Resource@nrc.gov)

\*Note: The preferred method to submit NRC Form 314 is email.

### IF YOU ARE LOCATED IN:

**ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND CERTIFICATES TO:**

MATERIALS LICENSING BRANCH  
DIVISION OF RADIOLOGICAL SAFETY AND SECURITY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV  
1600 E. LAMAR BOULEVARD  
ARLINGTON, TX 76011-4511  
[R4licensing@nrc.gov](mailto:R4licensing@nrc.gov)

\*Note: The preferred method to submit NRC Form 314 is email.

Enclosure 3  
Civil Penalty Invoice



Phoenix Federal No. 2 Mining, LLC  
863 Quail Valley Drive  
Princeton, WV 24740



**Address/Customer Information**

Phoenix Federal No. 2 Mining, LLC  
863 Quail Valley Drive  
Princeton, WV 24740

**Customer Codes**

Account Code: L000003944/1

**Bill Information**

Bill Number: EA-23-068  
Amount Due: \$9,000.00

**Contact Us**

Phone Number: 301-415-7554  
Fax Number: 301-415-4135  
Email Address: Fees.Resource@nrc.gov

**Remit to Address**

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

**Bill Summary**

Initial Charges	\$9,000.00
Discount	0.00
Surcharge	0.00
Interest Charges	0.00
Penalty Charges	0.00
Admin Charges	0.00
Bill Amount	\$9,000.00
Collected	0.00
Applied Credit	0.00
Adjustments	0.00
Amount Due	\$9,000.00

**Credit Summary**

Applied Credit	\$0.00
Unapplied Credit	0.00
Credit Total	\$0.00

**Comments:**

For questions, contact (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105, AND 10 CFR 15. For questions, contact the NRC Financial Services and Operations Branch at (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105 and 10 CFR 15.

If this invoice is related to an Order Imposing a Civil Penalty, Phoenix Federal No. 2 Mining, LLC. is required to pay the Civil Penalty within 30 days of the Order date. If payment is in response to a Notice of Violation and Proposed Imposition of a Civil Penalty, please follow the instructions in the Notice. The NRC may consider a request for additional time to pay the Civil Penalty, including the option to enter into an installment agreement, if appropriate. All requests for additional time to pay an invoice must be submitted in writing, with appropriate justification, to NRCCollections.Resource@nrc.gov, and should be submitted sufficiently ahead of time to allow the NRC time to review the request for additional time to pay within the 30-day payment period. This Invoice is related to the Civil Penalty proposed or imposed under EA-23-068 issued to Phoenix Federal No. 2 Mining, LLC. Please include this reference number on your payment method (see attached Payments Methods Brochure).

**Customer Information**

L000003944/1  
Phoenix Federal No. 2 Mining, LLC  
863 Quail Valley Drive  
Princeton, WV 24740

**Change of Address:**

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**Phone:** \_\_\_\_\_

**Remittance Information**

Office of the Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
P.O. Box 979051  
St. Louis, MO 63197

**This Payment References the following Bill:**

EA-23-068

**Outstanding Amount Due:**

\$9,000.00

**Amount Enclosed:**

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Enclosure 4  
NUREG/BR-0254, "Payment Methods"



## QUESTIONS?

If you have questions, please visit <https://www.nrc.gov> and search for "License Fees."

Questions may also be directed to the NRC Accounts Receivable Help Desk by sending an e-mail to [nrc@fiscal.treasury.gov](mailto:nrc@fiscal.treasury.gov), by calling (301) 415-7554, or by writing to the address below:

U.S. NUCLEAR REGULATORY COMMISSION  
OCFO/DOC/LAFBB  
Washington, DC 20555-0001



# Payment Methods

U.S. NUCLEAR REGULATORY COMMISSION  
OCFO/DOC/LAFBB  
Washington, DC 20555-0001  
PH (301) 415-7554



NUREG/BR-0254, Rev. 11  
October 2023

STAY CONNECTED



**Paperwork Reduction Act** This NUREG/BR provides guidance for completing the voluntary information collection in NRC Form 629. The estimated burden per response for completing NRC Form 629 is 10 minutes. This information collection was approved by the Office of Management and Budget (OMB), approval numbers 3150-0190. Send comments regarding this information collection to the FOIA, Library, and Information Collections Branch (T6-A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555 0001, or by e mail to [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov), and to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150-0190), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street, NW Washington, DC 20503; e mail: [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov).

**Public Protection Notification** The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

The NRC accepts the methods described below.

## PAYMENT BY AUTOMATED CLEARINGHOUSE

To pay by Automated Clearinghouse/Electronic Data Interchange (ACH/EDI), provide a copy of NRC Form 628 to your financial institution. You may obtain a copy of NRC Form 628 from the NRC Web site at <http://www.nrc.gov> by searching for "NRC Form 628." You can also obtain a form by calling the NRC Accounts Receivable Help Desk at (301) 415-7554.

## PAYMENT BY CREDIT CARD

The NRC currently accepts credit card payments of up to \$24,999.99. For payment by credit card, go to [Pay.gov](http://Pay.gov), search for "U.S. Nuclear Regulatory Commission Fees," and enter the required information.



You may also mail or fax NRC Form 629 following the directions on the form. To obtain a copy of NRC

Form 629, go to <http://www.nrc.gov> and search for "NRC Form 629" or call the NRC Accounts Receivable Help Desk at (301) 415-7554.

## PAYMENT BY DIGITAL WALLET

The NRC currently accepts payments of up to \$10,000.00. For payment by PayPal and Amazon Pay, go to [Pay.gov](http://Pay.gov), search for "U.S. Nuclear Regulatory Commission Fees," and enter the required information.



The NRC can receive funds through the U.S. Department of the Treasury (Treasury) Fedwire Deposit System. The basic wire message format below complies with the Federal Reserve Board's standard structured third-party format for all electronic funds transfer (EFT) messages.

See the sample EFT message to Treasury below. Each numbered field is described below.

The diagram shows a wire transfer message format with the following fields:

- 1: TO (Receiver DFI#)
- 2: TYPE-SUBTYPE-CD
- 3: FROM (Sender DFI#)
- 4: REF (Sender REF#)
- 5: AMOUNT
- 6: ORDERING BANK AND RELATED DATA
- 7: TREAS NYC/CTR
- 8: BNF-/AC-31000001 OBI-
- 9: (Empty field)
- 10: (Empty field)

- 1 RECEIVER-DFI#**—Treasury's ABA number for deposit messages is 021030004.
- 2 TYPE-SUBTYPE-CD**—The sending bank will provide the type and subtype code.
- 3 SENDER-DFI#**—The sending bank will provide this number.
- 4 SENDER-REF#**—The sending bank will insert this 16-character reference number at its discretion.
- 5 AMOUNT**—The transfer amount must be punctuated with commas and a decimal point; use of the "\$" is optional. The depositor will provide this item.
- 6 SENDER-DFI-NAME**—The Federal Reserve Bank will automatically insert this information.
- 7 RECEIVER-DFI-NAME**—Treasury's name for deposit messages is "TREAS NYC". The sending bank will enter this name.
- 8 PRODUCT CODE**—A product code of "CTR" for customer transfer should be the first item in the receiver text field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.
- 9 AGENCY LOCATION CODE (ALC)**—THIS ITEM IS OF CRITICAL IMPORTANCE. IT MUST APPEAR ON THE FUNDS TRANSFER DEPOSIT MESSAGE IN THE PRECISE MANNER AS STATED TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE TO THE AGENCY LOCATION CODE OF THE APPROPRIATE AGENCY. The ALC identification sequence can, if necessary, begin on one line and end on the next line; however, the field tag "BNF=" must be on one line and cannot contain any spaces. The NRC's eight-digit ALC is: BNF=/AC-31000001
- 10 THIRD-PARTY INFORMATION**—The Originator to Beneficiary Information (OBI) field tag "OBI=" signifies the beginning of the free-form third-party text. All other identifying information intended to enable the NRC to identify the deposit—for example, NRC annual fee invoice number, description of fee, 10 CFR Part 171 annual fee, and licensee name—should be placed in this field.

The optimum format for fields 7, 8, 9, and 10 using an eight-digit ALC is as follows:

TREAS NYC/CTR/BNF=/AC-31000001 OBI=

The optimum format, shown above, will allow 219 character positions of information following the "OBI=" indicator.

If the licensee's bank is not a member of the Federal Reserve System, the nonmember bank must transfer the necessary information and funds to a member bank, which then must transfer the information and funds to the local Federal Reserve Bank.

For a transfer of funds from local Federal Reserve Banks to be recorded on the same day, the transfer must be received at the New York Federal Reserve Bank by 4 p.m., EST. Otherwise, the deposit will be recorded on the next workday.

## PAYMENT BY CHECK

Checks should be made payable to the U.S. Nuclear Regulatory Commission with the invoice number, Enforcement Action number, or other information that identifies the payment written on the check. Mail the check to the following address:

U.S. Nuclear Regulatory Commission  
U.S. Bank  
P.O. Box 979051  
St. Louis, MO 63197-9000

FedEx or overnight mailings must be delivered to the following address:

U.S. Nuclear Regulatory Commission  
U.S. Bank  
SL-MO-R1GL  
3180 Rider Trail S.  
Earth City, MO 63045

## TAXPAYER IDENTIFICATION NUMBER

You must file your Taxpayer Identification Number (TIN) with the NRC. Use NRC Form 531 to provide your TIN. You may obtain NRC Form 531 from the NRC Web site at <http://www.nrc.gov> by searching for "NRC Form 531" or by calling the NRC Accounts Receivable Help Desk at (301) 415-7554.