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NRC Proposes \$9,000 Fine to West Virginia Firm for Apparent Violation Involving Nuclear Gauges

The Nuclear Regulatory Commission has proposed a \$9,000 civil penalty against Phoenix Federal No. 2 Mining, the owner of a non-operational coal mine in Fairview, West Virginia, for failing to properly dispose of or transfer nuclear gauges it possesses.

The [proposed fine](#) stems from an NRC inspector's discovery in January 2023 during a site visit that the facility appeared to be abandoned. The inspector subsequently learned the owner listed on the license had ceased operations in December 2017 and had sold the site to Phoenix in June 2018 without notifying the NRC. Phoenix had in its possession, without an NRC license, several nuclear gauges left by the previous owner. Federal regulations require a valid NRC or Agreement State license to possess these types of gauges.

The NRC notified Phoenix in December 2023 that it must dispose of or transfer the gauges, or obtain a license from the agency and properly secure and control them. Meantime, the NRC confirmed the company has prevented access to any of the gauges to avoid public exposure or misuse.

“Ensuring the safety of the nuclear gauges is the primary objective of this enforcement action,” NRC Region I Administrator Ray Lorson said. “When we identified the issue, NRC inspectors took prompt action to confirm that the gauges were safe and being properly stored so that no workers or the public would be harmed. However, the obligation to address the secure handling and storage rests with the site’s owner.”