

"OFFICIAL RECORD COPY"

MAR 29 1985

Acme Construction Company, Inc.  
ATTN: Ms. Doris Francesca  
President  
P. O. Box 1160  
Beckley, WV 25801

Gentlemen:

SUBJECT: NOTICE OF VIOLATION

This refers to the discussion between Mr. L. Franklin of this office and Ms. Doris Francesca on February 20, 1985, concerning your NRC License No. 47-21213-01 that was revoked on January 5, 1985, for nonpayment of an inspection fee. Our License Fee Management Branch has applied your recent \$230.00 license fee towards your unpaid inspection fee of \$390.00.

From the discussion on February 20, 1985, we learned that you still possess licensable material. Since you now have no license, this is in violation of 10 CFR 30.3, as further described in the enclosed Notice of Violation.

If you want to continue your program, you must pay the \$160.00 balance of your inspection fee and \$230.00 for a new license to:

U. S. Nuclear Regulatory Commission  
ATTN: Chief, Nuclear Materials Safety Section  
101 Marietta Street, Suite 2900  
Atlanta, GA 30323

Your previously submitted NRC Form 313 "Application for Byproduct Materials License" will be processed upon payment of the additional fees.

Also, you must place the radioactive material on hand in secure storage until such time as you acquire a valid license; no other use of the material on hand or purchase of additional byproduct material is authorized.

If you elect to dispose of the byproduct material, you must complete the enclosed NRC-314 Form and return it to us immediately. The NRC-314 sent to us March 8, 1985, was obviously in error as material is still possessed by you.

In accordance with 10 CFR 2.790(a), a copy of this letter, its enclosures, and your reply will be placed in NRC's Public Document Room upon completion of our evaluation of the reply. If you wish to withhold information contained therein, please notify this office by telephone and include a written application to withhold information in your response. Such application must be consistent with the requirement of 2.790(b)(1).

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MAR 29 1985

The responses directed by this letter and the enclosures are not subject to the clearance procedures of the Office of Management and Budget issued under the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

J. Philip Stohr, Director  
Division of Radiation Safety  
and Safeguards

Enclosures:

1. Notice of Violation
2. Form 314

bcc w/enclosure 1:  
Document Control Desk  
Commonwealth of Virginia  
IE  
LFMB, D. Weiss

RII *A.*  
LFranklin

3/24/85

RII *J*  
JPotter

3/25/85

RII *KB*  
KBarr

3/26/85

RII *JS*  
JStohr

3/29/85

RII *MP*  
MPuckett  
*as per communication*

3/29/85