

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

30-21079

In the Matter of)	
)	
Briggs Testing Company of Maine)	Byproduct Material
P.O. Box 397)	License 18-23438-01
Topsham, Maine 04086)	

ORDER TO SHOW CAUSE

I

Briggs Testing Company of Maine, P.O. Box 397, Topsham, Maine 04086 ("the licensee") is the holder of Byproduct Material License 18-23438-01 ("the license"), issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the possession and use of byproduct material under certain conditions specified therein. This license was originally issued on June 26, 1984. The present expiration date of the license is July 31, 1989.

II

On October 18, 1984, the licensee's activities authorized by License 18-23438-01 and located at New Lewistown Road, Topsham, Maine, were inspected by a representative(s) of the NRC Region I Office for health and safety purposes. On March 21, 1985, the Commission sent Invoice 0411V to the licensee requesting payment within 30 days of the inspection fee of \$530 required by 10 CFR 170 of the Commission's regulations. A second notice of payment due, together with a Notice of Violation, was sent to the licensee on May 1, 1985. A final notice of payment due was sent to the licensee on June 13, 1985. To date the fee required by Part 170 has not been paid by the licensee.

III

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 30 and 170, IT IS HEREBY ORDERED THAT:

1. The licensee show cause, in the manner hereinafter provided, why License 18-23438-01 should not be revoked permanently.

The licensee may, within twenty days of the date of receipt of this Order, file a written answer to this Order and may also request a hearing within said twenty-day period. Any answer filed shall specifically admit or deny such allegation made in Section II above, and may set forth the matters of fact and law upon which the licensee relies. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to file an answer within the time specified, the Director of Administration or the undersigned will, without further notice, issue an Order revoking License 18-23438-01.

In the event the licensee files a timely answer and requests a hearing within the time specified, the issues to be considered at such hearing shall be (1) whether the licensee violated the Commission's regulations as specified in Section II above; and (2) whether the subject license should be permanently revoked.

In lieu of filing an answer to this Order, the licensee may pay the prescribed inspection fee within twenty days of the date of receipt of this Order. In the event the licensee remits the required fee within said twenty-day period, the Nuclear Regulatory Commission will issue an Order terminating this proceeding. Otherwise, the foregoing procedure for revocation of the license shall be followed.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by
Wm. O. Miller

William O. Miller, Director
License Fee Management Staff
Office of Administration

Dated at Bethesda, Maryland
this 25 day of October, 1985

DISTRIBUTION

LFMS Orders File
License File

~~PDR~~

RFonner, OELD
RRakowski, ORM
Dweiss, LFMS
JGlenn, RI
LFMS R/F

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

LFMS: <i>[Signature]</i>	OELD: <i>[Signature]</i>	NMSS: <i>[Signature]</i>	ORM: <i>REA</i>	LFMS: ADM
Dweiss: <i>[Signature]</i>	RFonner: <i>[Signature]</i>	VMiller: <i>[Signature]</i>	RRakowski	WOMiller
10/16/85	10/16/85	10/16/85	10/17/85	10/21/85