

Please return to  
Kerry Kohler L-233

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

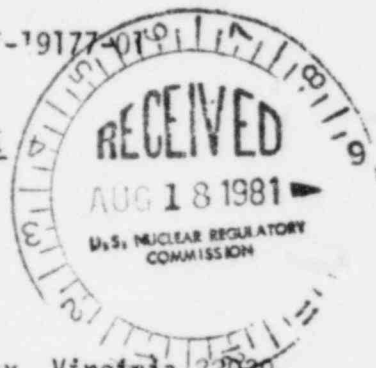
In the Matter of )

Diversified Laboratories, Inc. )  
3251 Old Lee Highway )  
Fairfax, Virginia 22030 )

Byproduct Material

License 45-19177-01

ORDER WITHDRAWING ORDER OF REVOCATION OF LICENSE  
AND  
ORDER TERMINATING PROCEEDING



I

Diversified Laboratories, Inc., 3251 Old Lee Highway, Fairfax, Virginia 22030 ("the licensee") is the holder of Byproduct Material License 45-19177-01 ("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 October 19, 1979. The present expiration date of the license is November 30, 1984.

II

On September 30, 1980, the licensee's activities authorized by License 45-19177-01 and located at 3251 Old Lee Highway, Fairfax, Virginia, were inspected by a representative(s) of the NRC Office of Inspection and Enforcement for health and safety purposes. On February 19, 1981, the Commission sent Invoice 0451N to the licensee requesting payment within 30 days of the inspection fee of \$390 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 March 19, 1981. A final notice of payment due was sent to the licensee on April 20, 1981. Since

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the fee required by Part 170 was not paid by the licensee, the Commission, on May 21, 1981, issued an Order to Show Cause ("the Order"), directing the licensee to show cause why the license should not be revoked permanently. The Order afforded the licensee an opportunity to file a written answer thereto within 20 days of the date of receipt of the Order and stated that upon the licensee's failure to file an answer within the specified time, the Director of Administration or the Chief, License Fee Management Branch, Office of Administration, would issue a subsequent Order, without further notice, permanently revoking the license.

No answer was filed with the Commission by the licensee.

### III

Accordingly, in view of the licensee's failure to respond to the allegations specified in the Order, an Order of Revocation of License was issued on July 14, 1981. On July 20, 1981 the licensee called the License Fee Management Branch and indicated that payment had been mailed on or about May 5, 1981. The licensee was requested to replace the May 5, 1981 check; which the licensee did.

### IV

Accordingly, in view of the payment of the inspection fee as specified by the Order and, pursuant to the Commission's "Rules of Practice" in 10 CFR Part 2, IT IS HEREBY ORDERED THAT:

The Order of Revocation of License is Withdrawn and this proceeding is terminated.

FOR THE NUCLEAR REGULATORY COMMISSION

Signed: G. James Holloway, Jr.

*for* William O. Miller, Chief  
License Fee Management Branch  
Office of Administration

Dated at Bethesda, Maryland,

this 17<sup>th</sup> day of August 1981

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

DISTRIBUTION:  
LFMB Orders File  
License File  
PDR ✓  
RFonner, OELD  
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DJDonoghue, ADM  
CLKohler, LFMB  
LFMB R/F (2)

OFFICE	LFMB: DM	OELD <i>WOM</i>	LFMB: ADM				
SURNAME	CLKohler: v1	RFonner <i>WOM</i>	WOMiller <i>WOM</i>				
DATE	8/13/81	8/14/81	8/13/81				