

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

MIDSTATE TESTING LABORATORY, INC.
7943 New Jersey Avenue
Hammond, Indiana 46323

Byproduct Material License
No. 13-11822-01
EA 82-94

ORDER REVOKING LICENSE

I

Midstate Testing Laboratory, Inc., (the "licensee") is the holder of Byproduct Material License No. 13-11822-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the licensee to possess and use byproduct material in the performance of radiographic operations under conditions specified in the license and the Commission's regulations. The license has an expiration date of February 29, 1984.

II

By Order dated July 22, 1982 (47 FR 33028), the license was suspended, effective immediately, and the licensee was given an opportunity to show cause why the license should not be revoked. As described in that Order, the Commission took these actions on the basis of the licensee's apparent abandonment of its business premises and the radioactive material located therein. The licensee had made no apparent arrangements to transfer the material or ensure its safekeeping, and

the Region III office was unable, despite numerous attempts, to contact the licensee's president regarding the licensee's intentions.

In accordance with the Order, the licensee was required within 5 days of the issuance of the Order to transfer or permit the transfer of all radioactive material within its possession to a person authorized to possess such material. The licensee took no action within 5 days of the issuance of the Order. Consequently, the licensed byproduct material was removed by NRC Region III representatives from the licensee's abandoned business premises with the permission of the landlord and was disposed of in an authorized manner.

The Order also provided the licensee opportunity to file a written answer thereto within 25 days of the date of the Order, and stated that, upon the licensee's failure to file an answer within the specified time, the Director, Office of Inspection and Enforcement, would issue a subsequent order, without further notice, revoking the license. Although the licensee's president indicated to NRC Region III by telephone on August 11, 1982, that he would submit a response to the Order, the licensee has not filed an answer to the Order. Because the circumstances described in the Order dated July 22, 1982, would warrant revocation of a license and the licensee has not demonstrated, though given an opportunity to do so, why its license should not be revoked, I have determined to revoke Byproduct Material License No. 13-11822-01.

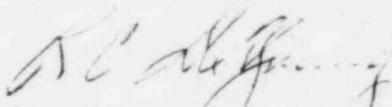
III

Accordingly, pursuant to sections 81, 161(b), and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 30, and 34, IT IS HEREBY ORDERED THAT:

Byproduct Material License No. 13-11822-01 is revoked.

This Order is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard C. DeYoung, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 14 day of October 1982