

FEB 15 1991

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
Followay Blacktop, Inc.
Box 610
5171 Moore Road
Lavalette, WV 2553E

)
)
)
)

Byproduct Material
License 47-25000-01

ORDER OF REVOCATION OF LICENSE

I

FOLLOWAY BLACKTOP, INC., Box 610, 5171 Moore Road, Lavalette, WV 25535 ("the licensee"), is the holder of Byproduct Material License 47-25000-01 ("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 17, 1988. The present expiration date of the license is June 30, 1993.

II

On September 27, 1988, the licensee's activities, authorized by License 47-25000-01 and located at 5171 Moore Road, Lavalette, WV, were inspected by a representative(s) of the NRC Region II Office for health and safety purposes. On December 13, 1989, the Commission sent Invoice 0465E 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 was sent to the licensee on January 14, 1990. A final notice of payment due, together with a Notice of Delinquent Debt, was sent to the licensee on February 14, 1990. The licensee failed to pay the fee required by Part 170.

9102260318 910215
NRC LIC30
47-25000-01 PDR

258064

JFB
110

As a consequence, on December 13, 1990, the Commission 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 Controller would, without further notice, issue a subsequent Order 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, on the basis of the violations alleged therein and, pursuant to the Commission's "Rules of Practice" in 10 CFR Part 2, IT IS HEREBY ORDERED THAT:

1. Byproduct Material License 47-25000-01 is revoked permanently;
2. The licensee shall dispose of any radioactive material acquired or possessed under the authority of License 47-25000-01 within 10 days from the date of this Order, either by returning the material to the manufacturer or transferring it to another person licensed to possess the same material. This disposal period may only be extended by application to, and approval by, the Regional Administrator for good cause shown; and

3. Within 5 days after disposal of the material, the licensee shall notify the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of the disposition of any licensed material which may have been possessed on the date of this Order under authority of License 47-25000-01.

IV

The licensee is reminded that the \$530 fee plus interest and penalties of \$222.63 through January 31, 1991, for Invoice 0465E is a delinquent debt to the United States. Failure to make a remittance of \$752.63 within 30 days from the date of this Order may result in referral of the delinquent debt to a collection agency, referral for litigation, and/or other corrective action deemed appropriate.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Ronald M. Scroggins
Ronald M. Scroggins
Controller

Dated at Bethesda, Maryland
this 15th day of February 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DISTRIBUTION:

LFDCB Orders File	MRodriguez, LFDCB
License File	LVenson, LFDCB
PDR	LFDCB R/F (2)
GMizuno, OGC	OC/DAF R/F
JGlenn, NMSS	VMiller, NMSS
JLieberman, OE	Reg. Administrator
DWeiss, LFDCB	SDEbnetter, RII
DDandois, OC/DAF	DW/ORDERS/
GJackson, LFDCB	Followay Blacktop

OFFICE	:OC/LFDCB	:OC/LFDCB	:OC/LFDCB	:OC/LFDCB	:OGC	:NMSS
SURNAME	:MRodriguez	:ab:LVenson	:GJackson	:DDandois	:GMizuno	:JGlenn
DATE	:1/24/91	:1/24/91	:1/31/91	:1/31/91	:2/6/91	:2/8/91

OFFICE	:OE	:OC/DAF	:OC/DAF	:OC		
SURNAME	:JLieberman	:EBlack	:HMiller	:RMScroggins	:SFinches	
DATE	:2/12/91	:1/13/91	:2/12/91	:2/15/91	:2/14/91	