

M & H CONCRETE STRUCTURES, INC.

SR 4, BOX 107-A
IVIDALE, WEST VIRGINIA 25113
(304) 286-3678 FAX: (304) 286-5113

October 16, 1992

License and Debt Collection Branch
Division of Accounting and Finance
Office of the Controller
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Ms. Marnella Rodriguez
Re : FY 1991 License Fee- License No. 47-21347-01

AM03880-91

03020530

Lia. Summittal
11/19/91

Dear Ms. Rodriguez:

We are writing this correspondence seeking relief from the FY1991 License Fee as assessed by the Commission. M & H sold its assets in December 1990, including its nuclear gauges, and has not engaged in any contracting activity since.

The owner was not aware that there would be a 1991 license fee until invoiced for the FY1991 Fee on August 9, 1991. He was not knowledgeable that the license must be surrendered rather than just be allowed to expire. As he now had no Nuclear Officer to handle his transactions with the Commission, he assumed that by having ceased operations and selling his gauges in December 1990 that this would conclude his association with the NRC.

Upon receipt of the second notice of the fee he contacted his former Nuclear Officer and myself and we began the process of surrendering the license. This was begun in late September 91 by telephone and by submitting NRC Form 313. We were subsequently advised that Form 314 was the required form for surrendering by a representative in the Atlanta office and that they would mail us this form. This form was received and filed by us on November 13, 1991, and notice was received from the NRC (Form 374A) that our license was terminated as of November 19, 1991. The same representative (Atlanta office) indicated by our filing Form 314 within thirty (30) days of our telephone conversation that we would be within the guidelines and that the fee would be waived.

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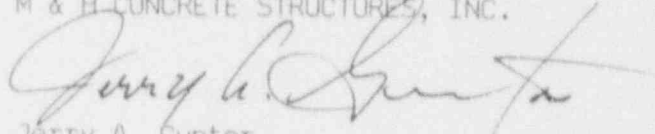
(2)

While acknowledging that there was some negligence as to the time frame in the surrendering of the license, I feel that under the circumstances as outlined, the owner could not have been expected to have been knowledgeable of NRC regulations and procedures and that he did in fact act responsibly in this matter.

Thanking your in advance for any consideration given in this matter, we are,

Very truly yours,

M & H CONCRETE STRUCTURES, INC.

A handwritten signature in dark ink, appearing to read "Jerry A. Gunter", with a stylized flourish at the end.

Jerry A. Gunter
Office Manager (former)

JAG/dat

cc: Payco-General American Credits

M & H Nuclear file