



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 25, 1996

The Honorable Tim Holden
United States House of Representatives
Washington, D.C. 20515-3807

Dear Congressman Holden:

I am responding to your August 28, 1996, letter regarding the fees assessed Jim Moyer of Moyer Instruments, Inc., a company in your district. You requested information regarding his License 37-27829-01, for which he is still being billed under Invoice AM5975-96, and for which he claims he cancelled over a year ago.

The Omnibus Budget Reconciliation Act of 1990 (OBRA-90) requires that the Commission recover 100 percent of its budget authority, less appropriations from the Department of Energy administered Nuclear Waste Fund, for Fiscal Years 1991 through 1998 by assessing license and annual fees. To recover the budget, the NRC assesses licensing fees under 10 CFR Part 170 and annual fees under 10 CFR Part 171. Fees currently assessed under 10 CFR Part 170 include license application fees and amendment fees. Annual fees are to recover NRC's generic and other costs that are not recovered as identifiable services to specific licensees and applicants under 10 CFR Part 170. The annual fees allocate the generic costs that are attributable to a given class of licensee to that class.

Footnote 1 of 10 CFR 171.16 provides that the annual fee is waived when a license is terminated prior to October 1 of each fiscal year. The 1996 annual fee is waived for those licensees and holders of certificates, registrations, and approvals who either filed for termination of their licenses or applications or filed for possession only/storage only licenses prior to October 1, 1995, and permanently ceased licensed activities by September 30, 1995.

Moyer Instruments, Inc., was the holder of License 37-27829-01 which authorized them to possess and use radioactive material incident to the performance of services for other licensees, such as the installation and relocation of devices containing radioactive material (fee Category 3N). Although Mr. Moyer requested termination of the license on September 9, 1994, he subsequently withdrew the request on July 11, 1995. Mr. Moyer again requested termination on October 19, 1995. The license was terminated on November 22, 1995.

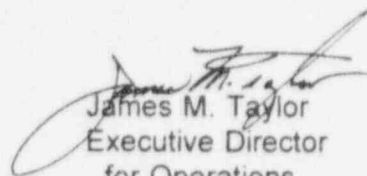
As provided in 10 CFR 171.17, licenses for which termination requests are filed during October 1 through March 31 of the fiscal year are assessed one-half of the annual fee. The annual fee assessed for Fee Category 3N is \$5,600. Since the final request for termination was filed by Moyer Instruments, Inc., after October 1, 1995, the FY 1996 annual fee was prorated 50 percent (\$2,800). Invoice AM5975-96 reflects the proration.

We realize that fees do have a financial impact on NRC licensees, particularly in regard to smaller programs, and 10 CFR Part 171 provides for reduced annual fees for those licensees who qualify as small entities under NRC size standards. For FY 1995, Moyer Instruments, Inc., qualified as a small entity and paid a reduced annual fee of \$400. We have no record of receiving a completed small entity form for FY 1996 from Moyer Instruments, Inc. If Moyer Instruments, Inc., qualifies under the same size standard for FY 1996 and submits the required certification, the prorated FY 1996 annual fee due would be \$200. We have previously provided Moyer Instruments, Inc., the necessary form to apply as a small entity if eligible and will again advise them of this option.

In regard to Mr. Moyer's claim that his name has been sent to a collection agency, our records indicate that Moyer Instruments, Inc., has not been referred by the NRC to a collection agency.

If I can be of further assistance, please let me know.

Sincerely,



James M. Taylor
Executive Director
for Operations

30-29216

The Honorable Tim Holden

-2-

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Sincerely,

[Handwritten signature]

James M. Taylor
Executive Director
for Operations

Distribution

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Invoice File AM5975-96 w/orig inc
License File 37-27829-01 w/cy inc
NUDOCS (ML61) w/cy inc
PDR w/cy inc
OC/DAF/LFARB (LF96-236) w/o cy inc
OC/DAF/LFARB RF w/o cy inc
SECY (CRC-96-0951)
EDO RF
OEDO (GT96684)
OC RF (OC-96-169)
OC/DAF RF (DAF-6-192)
OC/DAF SF (LF-1.2 w/orig inc.; LF-3.2.2 w/cy inc; LF-3.2.3 w/cy inc)

ML61 1/1

DOCUMENT NAME: G:\MOYER

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DATE	09/20/96		09/20/96		09/20/96		09/20/96		09/20/96	

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96-288
010013

OCA
DRathbun
na/11/06

Amk #1
9120136

DAF Action Items		
Action: DAF-6-192: Rep. Tim Holden (Moyer Instr.)		
Priority Item (*):	OC#: 96169	EDO#: 96684*
Due Date: 96/09/18	Completion Date:	Responsible: LFARB
Date Received: 96/09/11 (v. late)		
Comment: [August 28, 1996, LETTER TO: Dennis Rathbun, OCA, FROM: Tim Holden, Member of Congress, Congress of the United States, House of Representatives, SUBJECT: Moyer Instruments, Inc.]		
* SECY (CRC-96-0951)		

[Action Items]

Item
Number
OC-96-169

Author
T. HOLDEN

Originating
Office
REP.

Recipient
D. RATHBUN

Document Date
08/28/96

Original
Due Date
09/19/96

Current
Due Date
/ /

Green Ticket #: 96684
WITS Number:
FOIA Number:

Subject: CANCELLED LICENSE NO. 37-27829-01, MOYER INSTRUMENTS, INC.
STILL BEING BILLED

Assignee
DAF

Date
Completed
/ /

Date
Signed
/ /

of
Extensions
0

Status:

169
DAF
ACTION

EDO Principal Correspondence Control

FROM: DUE: 09/20/96 EDO CONTROL: GT96684
Rep. Tim Holden DOC DT: 08/28/96
FINAL REPLY:

TO:
Dennis Rathbun, OCA

FOR SIGNATURE OF : ** GRN ** CRC NO: 96-0951
Executive Director

DESC: ROUTING:
CANCELLED LICENSE #37-27829-01, MOYER INSTRUMENTS, Taylor
INC. STILL BEING BILLED Milhoan
Thompson
Blaha

DATE: 09/10/96
ASSIGNED TO: CONTACT:
OC Scroggins

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-0951 LOGGING DATE: Sep 6 06
ACTION OFFICE: EDO
AUTHOR: REP. TIM HOLDEN
AFFILIATION: U.S. HOUSE OF REPRESENTATIVES
ADDRESSEE: DENNIS RATHBUN
LETTER DATE: Aug 28 96 FILE CODE:
SUBJECT: RE CANCELLED LICENSE THAT IS BEING BILLED
ACTION: Signature of EDO
DISTRIBUTION: CHAIRMAN
SPECIAL HANDLING: OCA TO ACK
CONSTITUENT: JIM MOYER
NOTES: 23
DATE DUE: Sep 20 96
SIGNATURE: . DATE SIGNED:
AFFILIATION:

9/10/96
9:15 AM
EDO -- GT96684