



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

October 28, 1996

Able Testing and Inspection, Inc.
ATTN: Ms. Lynn H. Chauvin, President
P.O. Box 14324
Albany, NY 12212-4324

Dear Ms. Chauvin:

I am responding to your July 27, and August 7, 1996, letters regarding Invoice No. AM4791-96 for Quality Assurance Program Approval No. 0820 (QA-0820).

You state that Form 241, "Report of Proposed Activities in Non-Agreement States," indicates that you were scheduled to perform radiography work during the period August 3, 1995, through September 11, 1995, and the purpose of this form was to notify the NRC when you planned to terminate work in an NRC state (Non-Agreement State). You also state that you were informed that the \$700 application fee for a reciprocity license limited you to work during the period stated on Form 241, and in fact you turned down work after this period. You question whether the \$950 for Invoice AM4791-96 reflects NRC authorization to perform work in a non-Agreement state beyond the September 11, 1995, date reflected on Form 241.

You also state that the NRC has confusing regulations regarding reciprocity notification forms and filing fees, and QA filing and fees. And finally, you state that had you been informed that you would be invoiced an additional \$950 a year you would have terminated QA-0820 immediately. Based on your August 7, 1996, letter, QA-0820 was terminated August 8, 1996. 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 licensees and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage only licenses prior to October 1, 1995, and permanently ceased licensed activities by September 30, 1995.

You were correctly informed that the \$700 application fee was for a reciprocity license that authorized work for the period as stated. However, the fee billed on Invoice AM4791-96 is the FY 1996 annual fee assessed for QA-0820 under the provisions of 10 CFR Part 171. Notices of the FY 1996 proposed and final revisions to the Commission's fee regulations, 10 CFR Part 170 and 10 CFR Part 171, were mailed to all NRC licensees on January 29, and April 12, 1996, respectively. For your convenience, enclosed is an additional copy of the April 12, 1996, notice of the final rulemaking, which further explains the Commission's fee regulations. In accordance with the revisions to 10 CFR Part 170 and 10 CFR Part 171, holders of materials licenses and approvals are subject to application, amendment and annual fees. QA-0820 was issued July 11, 1995, with an expiration date of July 31, 2002. The July 11, 1995, letter transmitting QA-0820 to you, advised you that the approval would remain in effect until the stated expiration date, termination of your

materials license would not cause the approval to be automatically terminated, and termination of the approval must be requested in writing. As you point out, however, there is no mention that an annual fee would be required for each year QA-0820 remained in effect.

Based on the information provided, the NRC: (1) grants an extension of time to file for termination to August 7, 1996, for purposes of avoiding the FY 1996 annual fee; (2) acknowledges QA-0820 was terminated August 8, 1996, in accordance with your August 7, 1996, request; (3) acknowledges that your need for QA-0820 ceased prior to October 1995; and (4) acknowledges that the need for you to request termination of QA-0820 may not have been made clear to you in time for you to file a timely termination request for purposes of avoiding the FY 1996 annual fee. Annual fee Invoice No. AM4791-96 has been cancelled.

Sincerely,

Original signed by
James M. Taylor

James M. Taylor
Executive Director
for Operations

Enclosure: 10 CFR Part 170 and 171

Distribution:

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G. Jackson, OC/DAF/LFARB/LFS
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Invoice File AM4791-96 w/orig inc
License File 0820 w/cy inc
NUDOCS (ML61) w/cy inc
PDR w/cy inc
OC/DAF/LFARB (LF96-139) w/o inc and encl
OC/DAF/LFARB RF w/o inc and encl
OC/DAF RF (DAF-6-217) w/o inc and encl
OC/DAF SF (LF-3.2.2 w/cy inc and encl; LF-3.2.3 w/cy inc)
EDO RF w/o cy inc.
OC RF w/o inc and encl

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OFFICE	EDO
NAME	JMTaylor
DATE	10/28/96

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DAF Action Items

Action: DAF-6-217: Able Testing & Inspection, Inc.
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Priority Item (*):	OC#:	EDO#:
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Due Date: 96/10/31	Completion Date:	Responsible: LFARB/MM
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Date Received: 96/10/17

Comment: [July 27, 1996 LETTER TO: License Fee & Debt Collection Branch, Attn: Sandra Kimberly, FROM: Lynn H. Chauvin, President, Able Testing & Inspection, Inc., SUBJECT: Questions on the NRC Annual Materials Fee Invoice]
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