



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20565-0001

November 25, 1996

Swain Industries, Inc.
ATTN: J. David Swain
Executive Vice President
1001 West Second Street
P. O. Box 306
Seymour, IN 47274

Dear Mr. Swain:

I am responding to your October 29, 1996, letter returning the Final Notice (Delinquent) sent to North American Wood Products, Inc. for Invoice AM6140-96. You also enclosed a copy of Amendment No. 07 issued October 21, 1996, terminating North American Wood Products, Inc. Materials License 13-14807-01. The license was terminated based upon your request dated October 17, 1996.

The bases for your request are: 1) you have returned the gauge to its manufacturer; 2) Materials License 13-14807-01 has been terminated; and 3) you have no intention of resuming any kind of nuclear gauge operations.

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 approvals or filed for possession only/storage only licenses prior to October 1, 1995, and permanently ceased licensed activities by September 30, 1995. An amendment request filed after October 1 of each fiscal year to cancel a license does not cancel the annual fee invoice. Your October 17, 1996, termination request was not timely filed for purposes of avoiding the FY 1996 annual fee. Therefore, Invoice AM6140-96 is due and payable.

As provided in 10 CFR 171.17, licenses for which termination requests are filed during the period October 1 through March 31 of the fiscal year are assessed one-half of the annual fee. Your October 17, 1996, termination request was also not timely-filed for purposes of the 50 percent proration for FY 1996. However, the September 13, 1996, letter from Stephen Pinsley was timely filed for purposes of avoiding the FY 1997 annual fee (October 1, 1996 - September 30, 1997.)

Enclosed is NRC Form 526, Certification of Small Entity Status, for your possible use. If you determine American Wood Products, Inc. qualifies under the lower tier small entity status and so certify by completing and returning the form, the fee would be reduced to \$400. Payment of the appropriate fees, with the completed NRC Form 526 if applicable, should be mailed to the address shown on the invoice. Late charges will be waived if payment is received within 30 days from the date of this letter. If payment is not received in 30 days, all late charges will be assessed.

D. Swain

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November 25, 1996

If you have any questions concerning this matter, please contact Shirley Crutchfield at (301) 415-6097.

Sincerely,

Signed by
J. Marnella Rodriguez

for Glenda C. Jackson, Chief
License Fee Section
License Fee and Accounts Receivable Branch
Division of Accounting and Finance
Office of the Controller

Enclosure: NRC Form 526

Distribution:

L. Tremper, OC/DAF/LFARB/ARS
S. Kimberley, OC/DAF/LFARB/LFS
License File 13-14807-01 (w/cy inc)
Invoice File AM6140-96 (w/cy inc)
NUDOCS (ML-61) (w/cy inc & encl)
PDR (w/cy inc & encl)

OC/DAF/LFARB (LF-96-275)
OC/DAF/LFARB RF
OC/DAF RF (DAF-6-000)
OC/DAF SF (LF3.2.2) (w/orig inc)

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(To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy)

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|----------|------------------------|---|----------------------|---|---------------------|---|-------|--|-------|--|
| OFFICE | OC/DAF/LFARB/LFS | C | OC/DAF/LFARB/LFS | E | OC/DAF/LFARB | C | | | | |
| NAME DRF | SCrutchfield <i>sk</i> | | GCJackson <i>for</i> | | DBDandois <i>on</i> | | | | | |
| DATE | 11/19/96 | | 11/25/96 | | 11/25/96 | | / /96 | | / /96 | |

OFFICIAL RECORD COPY

NRC FORM 526
(4-96)
10 CFR 171

U.S. NUCLEAR REGULATORY COMMISSION

INVOICE NUMBER

LICENSE NUMBER

**CERTIFICATION OF SMALL ENTITY STATUS
FOR THE PURPOSES OF ANNUAL FEES
IMPOSED UNDER 10 CFR PART 171
FY 96**

To be completed **ONLY** by those licensees who meet the size standards below. See instructions on reverse side.

NAME AND ADDRESS OF LICENSEE (as it appears on the invoice):

If a licensee qualifies as a small entity under the size standards below and completes this form (NRC Form 526), the licensee may pay the reduced annual fee for each category applicable to the license. A separate form must be submitted for each invoice. Submit the required reduced annual fee with the "Payment Copy" of the invoice and the NRC Form 526 to:

License Fee and Accounts Receivable
U.S. Nuclear Regulatory Commission
P.O. Box 954514
St. Louis, MO 63195-4514

SIZE STANDARDS (Check one box only)

MAXIMUM ANNUAL FEE
PER LICENSED CATEGORY
(See Item 3. on back)

1. SMALL BUSINESS

A for-profit concern that provides a service or a concern not engaged in manufacturing with average gross receipts of \$5 million or less over its last 3 completed fiscal years.

- | | |
|--|---------|
| <input type="checkbox"/> A. \$350,000 TO \$5,000,000 | \$1,800 |
| <input type="checkbox"/> B. LESS THAN \$350,000 | \$ 400 |

2. MANUFACTURING INDUSTRY

A manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months.

- | | |
|--|---------|
| <input type="checkbox"/> A. 35 TO 500 EMPLOYEES | \$1,800 |
| <input type="checkbox"/> B. LESS THAN 35 EMPLOYEES | \$ 400 |

3. SMALL ORGANIZATION

A not-for-profit organization which is independently owned and operated and has annual gross receipts of \$5 million or less.

- | | |
|--|---------|
| <input type="checkbox"/> A. \$350,000 TO \$5,000,000 | \$1,800 |
| <input type="checkbox"/> B. LESS THAN \$350,000 | \$ 400 |

4. SMALL GOVERNMENTAL JURISDICTION (INCLUDING PUBLICLY SUPPORTED EDUCATIONAL INSTITUTIONS ¹)

A government of a city, county, town, township, village, school district, or special district with a population of less than 50,000.

- | | |
|---|---------|
| <input type="checkbox"/> A. 20,000 TO 50,000 POPULATION | \$1,800 |
| <input type="checkbox"/> B. LESS THAN 20,000 POPULATION | \$ 400 |

5. SMALL EDUCATIONAL INSTITUTION THAT IS NOT STATE OR PUBLICLY SUPPORTED AND HAS 500 OR FEWER EMPLOYEES ¹

- | | |
|--|---------|
| <input type="checkbox"/> A. 35 TO 500 EMPLOYEES | \$1,800 |
| <input type="checkbox"/> B. LESS THAN 35 EMPLOYEES | \$ 400 |

¹An educational institution referred to in the size standards is an entity whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

CERTIFICATION

This certification **MUST** be signed by the owner of the entity named above or an official empowered to act on behalf of the entity.

I certify that the above named NRC licensee qualifies as a small entity under the size standards established by the NRC for its licensees in 10 CFR 2.810 (60 FR 18344). The licensee qualifies as a small entity under the specific size standard indicated above.

WARNING: 18 U.S.C. Section 1001, Act of June 25, 1948, 62 Stat. 749, makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction. The submittal of willful false statements is punishable by fine or imprisonment, or both, and for purposes of this certification, may result in revocation or suspension of the license.

I CERTIFY UNDER PENALTY OF
PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE