



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

November 25, 1996

Buffalo X-Ray Company  
ATTN: Mr. Jeffrey S. Lewis  
81-81 East Market Street  
Buffalo, NY 14204

Dear Mr. Lewis:

I am responding to your July 9, 1996, letter, addressed to Mr. John P. Jankovich, regarding annual fee invoice No. AM2440-96 assessed for Quality Assurance Program Approval No. 0806 (QA-0806).

You request that QA-0806 be terminated and that the FY 1996 annual fee be waived. The bases for your request for a waiver of the fee are: 1) you were not aware that the previous Radiation Safety Officer who cancelled the reciprocity license did not cancel the QA Approval; 2) you only became aware of the approval and what it was for after receiving the bill and contacting the NRC licensing staff; and 3) you no longer need the QA since all of your operations will be conducted in New York under a license issued by the State. Based on your July 9, 1996, letter, QA-0806 was terminated on August 5, 1996.

Footnote 1 of 10 CFR 171.16 provides that the annual fee is waived where a license is terminated prior to October 1 of each fiscal year. For FY 1996, the annual fee is waived for those licensees who filed for termination or possession only/storage only prior to October 1, 1995, and were capable of ceasing licensed activities by September 30, 1995.

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 July 9, 1996, termination request was not timely filed for purposes of avoiding the FY 1996 annual fee or proration. However, based on the information provided, the NRC: 1) grants an extension of time to file for termination to July 9, 1996, for purposes of the 50 percent proration of the FY 1996 annual fee; 2) acknowledges QA-0806 was terminated August 5, 1996, in accordance with your July 9, 1996, request; and 3) acknowledges that the need for the reciprocity license expired in December 1995. Enclosed is revised Invoice No. AM2440-96 (\$475) which represents 50 percent of the annual fee for Fee Category 10(B)2. Also enclosed is NRC Form 526 for your use if you determine Buffalo X-Ray Company meets the lower-tier small entity size standards. In this case, the fee due would be \$200 (50 percent of the \$400 lower-tier small entity fee). If Buffalo X-Ray Company

J. Lewis

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does not qualify as a lower-tier small entity, the invoiced amount of \$475 is due. Interest will be waived if payment is received within 30 days from the date of this letter.

Sincerely,

Original signed by  
James M. Taylor

James M. Taylor  
Executive Director  
for Operations

Enclosures: Revised Invoice AM2440-96  
NRC Form 526

Distribution:

G. Jackson, OC/DAF/LFARB LFS, w/cy encls  
L. Tremper, OC/DAF/LFARB/ARS, w/cy encls  
Invoice File AM2440-96 w/cy inc & encls  
NUDOCS (ML-61) w/cy inc & encl  
PDR w/cy inc  
EDO RF w/o encls  
OC/DAF RF (DAF 6-216) w/o encls  
OC/DAF SF (LF-3.2.3 & LF-3.2.2) w/orig inc and encls  
OC/DAF LFARB (LF 96-110)  
OC/DAF LFARB RF  
OC RF

DOCUMENT NAME: G:\DAF6-216

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

OFFICE	OC/DAF/LFARB/LFS	<input checked="" type="checkbox"/>	OC/DAF	<input checked="" type="checkbox"/>	OC	<input checked="" type="checkbox"/>	BGC	<input checked="" type="checkbox"/>	EDO	<input checked="" type="checkbox"/>
NAME	GCJackson/DBDandois		JTurdici		RMScrogeins		TRothschild		JMTaylor	
DATE	11/14/96		11/16/96		11/17/96		11/17/96		11/17/96	

OFFICIAL RECORD COPY

270086

U. S. NUCLEAR REGULATORY COMMISSION  
 FY 96 Annual Materials Fee Invoice  
 Period 10/1/1995 - 9/30/1996  
 10 CFR 171.16

Invoice Date  
 =====  
 11/20/96

License Anniversary Month  
 =====  
 March

*Revised*  
 Invoice Number  
 =====  
 AM2440-96

TO: BUFFALO X-RAY COMPANY  
 ATTENTION: RADIATION SAFETY OFFICER  
 81-83 EAST MARKET ST.  
 BUFFALO, NY 14204

\*\*\*\*\* Mark PAYMENT COPY with any billing address changes \*\*\*\*\*

License/Approval/ Registration/ Certificate Number =====	Code AA905 =====	Annual Fee Category(s) =====	Fee Amount =====
0806	ANN	10B(2)	\$ 475.00
		TOTAL:	\$ 475.00
		TOTAL INVOICE:	\$ 475.00

Amount Billed Represents 50% Proration

If paid by Fedwire see attached Terms and Conditions. If paid by check,  
 make check payable to the NRC (reference Invoice no.) and mail to:

=====

U.S. Nuclear Regulatory Commission	<=== This PO Box address is
License Fee & Accounts Receivable Branch	<=== for receipt of payments
P.O. Box 954514	<=== only.
St. Louis, MO 63195-4514	

For terms and conditions see attached.  
 Payment must be received within 30 days of the  
 date of this invoice to avoid late charges.  
 Questions: call 301/415-7554.

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 \* N R C F I L E C O P Y \*  
 \*  
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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 <sup>1</sup>)**

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 <sup>1</sup>**

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

<sup>1</sup>An 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