

## McCloskey, Bridin

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**From:** Brian Festa [<mailto:BrianF@empirepaving.com>]

**Sent:** Wednesday, June 15, 2016 12:31 PM

**To:** MSHD Resource <[Meta\\_System\\_Help\\_Desk.Resource@nrc.gov](mailto:Meta_System_Help_Desk.Resource@nrc.gov)>

**Cc:** Phil Karsen <[Phil@empirepaving.com](mailto:Phil@empirepaving.com)>; Chris Monroe <[ChrisM@empirepaving.com](mailto:ChrisM@empirepaving.com)>; Danielle Caiazzo <[DanielleC@empirepaving.com](mailto:DanielleC@empirepaving.com)>

**Subject:** [External\_Sender] FW: NRC Docket #03038833 Statement # 16-3828

June 15, 2016

Nuclear Regulatory Commission  
Chief Financial Officer  
Washington, DC 20255-0001

Dear Sirs:

The purpose of this writing is to request an exception from The Nuclear Regulatory Commission with regards to the Annual Licensing Fee of \$8,000.00 in accordance with Regulation 10 CFR Part 171.11.

Empire Paving, Inc. is a medium sized construction corporation established in 1967. The company is primarily a general road contractor working for The State of Connecticut, Department of Transportation. Many of our projects require repaving of the roadway surfaces. To establish that the density and/or compaction of the new pavement installed the company uses one of two Troxler Model 3440 Nuclear Density Gauges which contain Cs-137(0.3 Gbq & 8mCi) & Am-241:Be(1.48 Gbq & 40 mCi) of radioactive material. The reason the company possesses its own gauges is to insure the results attained by The Connecticut Department of Transportation's 3<sup>rd</sup> party tests are accurate. These gauges are used once or twice every three months.

Due to the fact, the our Nuclear Testing Gauges are used so rarely, the licensing fee of \$8,000. from the NRC makes the entire process cost prohibited, and not based on a fair and equitable allocation of costs. We are requesting under 10 CFR Part 171.11 an exception to have the fee reduced significantly. If the fee can't be reduced significantly we will have no other choice but to surrender our license.

Thank you for your prompt attention to this matter.

Sincerely,

**Brian J. Festa**

**Empire Paving, Inc.**

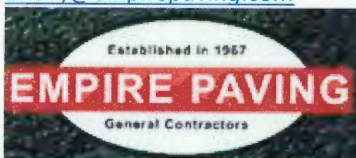
General Manager

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