



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 4, 1994

Western Lithotech  
A Mitsubishi Kasei Company  
ATTN: Gary L. DuBois  
Plant Manager  
3343 Tree Court Industrial Blvd.  
St. Louis, Missouri 63122

Gentlemen:

I am responding to your letters of December 9, 1993, and November 5, 1993, and the memorandum from Leisa Ethridge dated October 4, 1993, in which you seek an extension of time to file for termination of License No. 24-24747-01 in order to avoid payment of annual fee Invoice AM06275-93.

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. The NRC has exempted from the FY 1993 annual fee 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, 1992, and were capable of permanently ceasing licensed activities entirely by September 30, 1992. An amendment request filed after October 1 of each fiscal year to cancel a license does not cancel the annual fee invoice. While it is true that for the FY 1992 (October 1, 1991 - September 30, 1992) annual fee invoices, the October 1 deadline was extended to December 31, 1991, there was no similar extension offered for FY 1993.

The bases for your request are: (1) the licensed source was disconnected in December 1991; (2) in January 1992 you contacted Azimuth Technology to contract for removal and disposal and had many follow-ups between January 1992 and August 1992 without success; (3) in August 1992 you received the NRC's FY 1992 annual fee invoice and called NRC many times over the next month with no success; (4) the source material was returned to the manufacturer September 16, 1992; (5) you filed the NRC 314 Certificate of Disposition of Materials on September 21, 1992, and notified the Region III office on October 7, 1992, to terminate your license; (6) your license was subsequently terminated November 10, 1992; (7) on November 25, 1992, NRC notified you that your October 7, 1992, letter was filed too late to avoid the FY 1992 annual fee but made no mention of being too late for FY 1993; (8) you subsequently paid the FY 1992 annual fee; (9) in August of 1993, you received the FY 1993 annual fee invoice and began your attempts to talk to someone at NRC from August 20, 1993, to November 3, 1993, with no success; and (10) finally on November 3, 1993, you spoke with someone who told you the cancellation request had to be in by October 1, 1992, and you were 7 days late.

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Based on the information provided, the Commission: (1) grants an extension to the time to file for termination for purposes of avoiding the FY 1993 annual fee to October 7, 1992; (2) acknowledges the licensed activities ceased by September 30, 1992; and (3) acknowledges your license was subsequently terminated November 10, 1992.

Invoice No. AM06275-93 will be cancelled.

I am sorry for our lack of responsiveness in returning your phone calls. While we received a very large number of calls and letters with last years billing, it is our policy to be as responsive as possible to each and every inquiry. I apologize for any inconvenience that this may have caused you.

Sincerely,

Original signed by  
James M. Taylor  
Executive Director  
for Operations

DISTRIBUTION:

- 10 CFR 171 Exemption File
- License File 24-24747-01
- Materials Annual Fee Correspondence File
- Invoice File AM06275-93
- NUDOCS
- PDR
- GJackson
- DBDandois
- EBlack
- DWeiss
- LNaval
- LTremper
- CJHolloway
- GFehst
- EDO
- OC 93-438/OC-94-008
- LFDCB R/F (2)
- DAF R/F
- LF-92-924            LF-92-1230
- LF-92-1191

\*See previous concurrence

OFFICE:	LFDCB	LFDCB	LFDCB	LFDCB	DAF
NAME:	GJackson*	DWeiss*	LTremper*	DDandois*	EBlack*
DATE:	01/18/94	01/18/94	01/18/94	01/18/94	01/21/94
OFFICE:	OC	OC	OC	OGC	EDO
NAME:	JFunches*	JHolloway	RScroggins*	Rothschild*	JMTaylor
DATE:	01/24/94	/ /94	01/25/94	01/28/94	2/9/94
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