

71-0109



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

February 10, 1994

Cintichem, Inc.
ATTN: Mr. J. J. McGovern
President/Plant Manager
P.O. Box 816
Tuxedo, New York 10987

Gentlemen:

I am responding to your August 23, 1993, letter in which you ask to be excused from the requirement to pay Invoice AM02110-93 for Quality Assurance Program Approval No. 0109.

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 and the amount of the annual fee will be reduced where an amendment or revision is issued to decrease the scope of licensed operations prior to October 1 of each fiscal year. However, based on the number of requests filed, 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/storage only licenses prior to October 1, 1992, and were capable of permanently ceasing licensed activities entirely by September 30, 1992.

The bases for your request are: (1) on November 26, 1991, DOE and Cintichem entered into an agreement to transfer Cintichem's ownership of the packages to DOE; (2) you notified NRC of this agreement by letter dated January 23, 1992; (3) on October 8, 1992, you informed NRC that all of your Type B packaging had been transferred to DOE and since you were no longer the owner and principal user, you believed you were no longer required to maintain the Quality Assurance Plan and should not be liable for the FY 1992 annual fee (Invoice No. AM01764-92); (4) on January 25, 1993, you clarified Cintichem's use of the packages and asked for "user" only authorization retroactive to November 20, 1991; and (5) on February 16, 1993, NRC subsequently amended QA-0109 to "use" only based on your January 25, 1993, letter.

As you were informed in Doug Weiss' letter of March 12, 1993, your request to ~~downgrade~~ the approval was not timely filed for purposes of the FY 1992 annual fee. The NRC acknowledges your payment in full for the FY 1992 annual fee (invoice AM01764-92). Since Approval No. 0109 is still an active approval issued to Cintichem, your request to be excused from the FY 1993 annual fee is denied. However, based on the information provided, NRC grants Cintichem an extension of time to January 25, 1993, to file for the downgrade of QA-0109 from "user/fabricator" (annual fee Category 10B(1)) to "user" only (annual fee Category 10B(2)) for purposes of the FY 1993 annual fee.

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Cintichem, Inc.

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Since Cintichem has paid \$1,120 under category 10B(2) for "use" only for AM02110-93, no additional annual fees are required for QA-0109 for FY 1993.

Sincerely,

Original signed by
James M. Taylor

James M. Taylor
Executive Director
for Operations

DISTRIBUTION:

10 CFR 171 Exemption File FY 193
License Files QA-0109
Materials Annual Fee Correspondence File
Invoice Files AM02110-93

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LF-92-754
LF-92-816
LFDCB R/F (2)
DAF R/F
OC 93-440

OFFICE:	LFDCB ✓	LFDCB	LFDCB ✓	DAF ^{See 2-2} ✓	DAF ^{cus} ✓
SURNAME:	GJackson	DWeiss	DBDandois	EBlack	LHitter
DATE:	2/1/94	2/1/94	2/2/94	2/2/94	1/94

OFFICE:	OC ✓	OC ✓	OGC	EDO ✓
SURNAME:	JFunches	RMScroggins	TRothschild	JMTaylor
DATE:	2/14/94	2/14/94	1/28/94	2/10/94

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*Ray K. ...
with ...
draft updates*