

MEMORANDUM FOR: James M. Taylor Executive Director for Operations February 22, 1994

FROM: Ronald M. Scroggins Deputy Chief Financial Officer/Controller

SUBJECT: REQUEST FOR APPROVAL FOR EXTENSION OF TIME FOR SEUBERT EXCAVATORS, INC.

Attached for your review are a Statement of Facts and various documents from Seubert Excavators, Inc. regarding License No. IDA-263. The licensee was billed an annual fee for FY 1991 and FY 1992 under Invoice Nos. AM08787-91 (\$1,500) and AM06901-92 (\$2,250). The FY 1991 invoice was not paid. The FY 1992 invoice was paid late in the amount of \$2,655.32.

As part of the debt collection review process, it has been determined that this case should not be referred to our debt collection contractor, but rather it should be considered for an extension of time to terminate.

Based on the information furnished, the Office of the Controller recommends that you approve the request for an extension of time to terminate for purposes of avoiding the annual FY 1992 fee from December 31, 1991, to September 29, 1992. Licensed activities ceased prior to December 31, 1991, and the license was terminated October 14, 1992.

Upon your approval, Invoice No. AM06901-92 will be cancelled and the \$2,655.32 payment received will be applied to the outstanding FY 1991 Invoice AM08787-91 (past due amount \$2,311.48) and the remaining balance of \$343.84 will be refunded to Seubert Excavators, Inc.

Original signed by Ronald M. Scroggins Deputy Chief Financial Officer/Controller

Attachments:

- 1. Statement of Facts Regarding License No. IDA-263
2. Ltr. dtd 10/6/92
3. Form 314 dtd 9/29/92

APPROVED:

Original signed by James M. Taylor

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James M. Taylor Executive Director for Operations

2/23/94 Date

LFDCB DDDandois 2/9/94

LFDCB DWWeiss 2/10/94

LFDCB LTremper 2/10/94

LFDCB GJackson 2/10/94

DAF EBlack 2/10/94

DAF LHiller 1/94

DAF JHollipway 2/10/94

OC JFunches 2/10/94

OC RScroggins 2/10/94

OGC TRothschild 2/10/94

EDO JMTaylor 1/94

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Statement of Facts
Seubert Excavators, Inc.

During FY 1991, Idaho's Agreement with the NRC was terminated and the NRC reasserted regulatory authority in the State of Idaho. At about the same time, NRC began to assess annual fees to all materials licensees, including those Idaho licensees who had previously been under Idaho's authority. Seubert Excavators held Idaho License No. IDA-263 and was billed in mid-July 1991 by NRC for the FY 1991 annual fee of \$1,500 under Invoice AM08787-91. The fee has not been paid.

The FY 1991 rule provided an opportunity to avoid the annual fee for licensees who could permanently cease licensed activities by September 30, 1991, and who so notified the NRC by August 8, 1991.

On July 25, 1991, Seubert transferred their licensed gauge to W.W. Engineering in the State of Washington before W.W. Engineering was issued a license for the radioactive material. Although this was in violation of 10 CFR 30.34(b), NRC, in accord with 10 CFR 2, Appendix C, Section V.G, exercised their option not to issue a Notice of Violation.

In mid-July 1992, NRC issued the FY 1992 annual fee invoices and Invoice AM06901-92 for \$2,250 was sent to Seubert. Realizing they still had a valid NRC license, Seubert submitted an NRC Form 314 dated September 29, 1992, requesting termination, and stated the source was shipped approximately July 25, 1991. They also submitted an October 6, 1992, letter confirming the transfer occurred on July 25, 1991.

The license was subsequently terminated October 14, 1992. Seubert paid the FY 1992 delinquent invoice on August 23, 1993, for \$2,655.32.

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DISTRIBUTION:

10 CFR 171 Exemption File FY 1992 (w/orig. inc.)
License File IDA-263 (w/cy of inc.)
Materials Annual Fee Correspondence File (w/cy of inc.)
Invoice Files AM08797-91, AM06901-92 (w/cy of inc.)
NUDOCS (ML61) (w/cy of inc.)
PDR
GJackson
DDandois
EBlack
DWeiss
LTremper (2)
JHolloway
GFehst
EDO
OC-93-496
LFDCB R/F (2)
DAF