



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

February 25, 1994

United States Department of the Interior  
National Biological Survey  
ATTN: Robert J. Hesselberg  
Radiation Officer  
Great Lakes Center  
1451 Green Road  
Ann Arbor, Michigan 48105

Gentlemen:

I am responding to your letter of December 6, 1993, in which you seek relief from payment of the FY 1993 annual fee, Invoice AM05049-93, for License 21-10984-02.

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 licenses, 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.

The bases for your request are: 1) after receiving the first annual fee invoice a determination was made to cancel the license during the summer of 1992; 2) by letter dated May 15, 1992, you notified NRC of your intent to terminate the license by the end of September, 1992 and requested NRC comment regarding the acceptability of your termination plan and phase out schedule; 3) no radiation studies were conducted for the past 10 years; 4) a visiting scientist had proposed to use C<sup>14</sup> during the September 1992 - September 1993 period but this was cancelled in August 1992; 5) procedures to shut down began in August 1992 and were completed by December 1992; 6) you had the gas chromatograph nickel 63 electron capture detectors sent to the manufacturer, Varian Associates, to be sealed so they would be covered by their General License; and 7) no funds were provided in your 1993 budget since you had decided in 1992 to terminate.

Based on the information provided, the Commission: 1) grants an extension of time to file for termination to December 29, 1992; 2) acknowledges licensed activities ceased by September 30, 1992; and 3) acknowledges License No. 21-10984-02 was terminated February 12, 1993, based on your December 29, 1992, request.

NRC FILE CENTER COPY

100049

9403150435 940225  
PDR ADOCK 03004896  
C PDR

MLB 1/11

OC94030

- 2 -

Invoice AM05049-93 has been cancelled.

Sincerely,

Original signed by  
James M. Taylor

James M. Taylor  
Executive Director  
for Operations

DISTRIBUTION:

10 CFR 171 Exemption File w/orig. inc.  
License File 21-10984-02 w/cy of inc.  
Materials Annual Fee Correspondence File  
Invoice File AM05049-93  
NUDOCS (ML61) w/copy inc.  
PDR  
CJHolloway w/copy inc.  
EBlack, DAF  
DBDandois, LFDCB  
GJackson, LFDCB  
DWeiss, LFDCB  
LTremper, LFDCB (2)  
GFehst, OGC  
EDO  
OC-94-030  
LFDCB R/F (2)  
DAF R/F  
LF-92-1217

OFFICE:	LFDCB <i>up</i>	LFDCB <i>8</i>	LFDCB <i>D</i>	LFDCB <i>up</i>	DAF <i>mm</i>	DAF <i>[Signature]</i>
NAME:	DBDandois	GJackson	DWeiss	LTremper	EBlack	LHiller
DATE:	<i>for</i> 2/16/94	2/15/94	2/13/94	2/16/94	2/17/94	2/17/94
OFFICE:	OC	OC <i>A</i>	OC <i>A</i>	OGC	EDO	
NAME:	CJHolloway	JFunches	RMScroggins	TRothschild	JTaylor	
DATE:	2/16/94	2/12/94	2/12/94	2/12/94	2/25/94	

DBD/A:\OC94030

*GRF*