

AKM Roofing Systems
ATTN: Bernie Rutherford
14700 Pleasant Valley Road
P.O. Box 6151
Chillicothe, Ohio 45601

April 8, 1994

Gentlemen:

I am responding to your letter of October 13, 1993, in which you seek an exemption from payment of the FY 1993 annual fee (Invoice AM04596-93) for License 34-26439-01.

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.

The bases for your request are: 1) in August 1992, AKM Building Systems, as a General Contractor, acquired trucks and equipment from Ruthco, Inc., who had been doing business as Adena Roofing; 2) the equipment included a Troxler Roof Moisture Gauge Model 3216; 3) you formed another company, AKM Roofing Systems; and 4) the Troxler Gauge was used in \$140,000 in sales for AKM Roofing.

License 34-26439-01 was issued September 11, 1992, in accordance with your July 6, 1992, request. The license authorized use of the Troxler surface moisture density gauge until it was terminated January 13, 1994. The license was terminated based on your November 18, 1993, and January 3, 1994, letters. In your January 3, 1994, telephone conversation with the Region III office, you stated you had returned the gauge to Troxler on November 14, 1993. Based on the foregoing, the Commission finds no basis to waive the FY 1993 annual fee. We acknowledge your payment for Invoice No. AM04596-93.

Since your license was in effect on October 1, 1993, in accordance with our current regulation you will be assessed a FY 1994 annual fee. The Commission anticipates publishing a proposed rule for FY 1994 fees in the near future and will finalize the rule by mid-summer 1994.

Sincerely,
Original signed by
James M. Taylor

James M. Taylor
Executive Director
for Operations

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PDR ADOCK 03032877
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Materials Annual Fee Correspondence File
License File License 34-26439-01 w/copy inc.
Invoice File AM04596-93 w/copy inc.
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See Previous Concurrence

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