

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

RHODES-SAYRE & ASSOCIATES,
INC.

(Byproduct Material License
24-18959-02).

)
Docket No. 30-29086-SC

AFFIDAVIT OF RONALD M. SCROGGINS

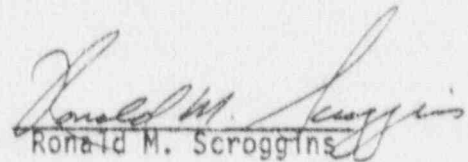
Being duly sworn, I do depose and state:

1. My name is Ronald M. Scroggins. I am the Controller at the U.S. Nuclear Regulatory Commission. I am delegated the authority to grant or deny exemptions or waivers from the fee requirements under 10 CFR 170.
2. The purpose of my affidavit is to respond to questions concerning NRC's authority to waive the fee in question and whether the fee should be waived in whole or in part. Section 170.11(b)(1), 10 CFR 170, provides that the Commission may grant exemptions from the requirements of the regulations contained in Part 170 as it determines are authorized by law and are otherwise in the public interest. As the Controller, I have been delegated the authority to grant or deny, on behalf of the Commission, exemptions or waivers from the fee requirements. I have reviewed Rhodes-Sayres & Associates, Inc. request for a waiver from the inspection fee, interest and penalties, and find insufficient basis to grant the waiver.

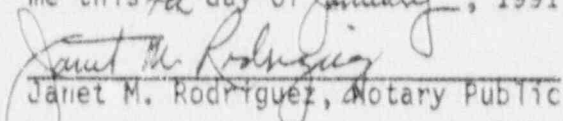
Private, commercial firms subject to NRC licensing and inspection regulations are to pay, to the fullest extent possible, the agency's costs of performing regulatory services. The fact that a commercial firm is performing work under contract to a city or county government has not been considered a basis for exemption of fees. There are many licensees providing services to the Federal as well as State and local Governments that require licensing and inspection work to be performed by the NRC. In some of these cases, all of the licensed activities are for governmental entities. All these licensees pay fees, some substantial in amount. Accordingly, I do not find that there is a public interest to be served in relieving Rhodes-Sayres & Associates, Inc. of the inspection fee, interest and penalties.

No information has been presented to distinguish the business of Rhodes-Sayre & Associates, Inc. from other licensees who pay fees or to warrant granting a waiver in this case.

3. The foregoing is true and correct to the best of my knowledge and belief.


Ronald M. Scroggins

Subscribed and sworn to before
me this 4th day of January, 1991


Janet M. Rodriguez, Notary Public

My commission expires: 8/1/94

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 91 JAN -8 P2:46

In Matter of)
RHODES-SAYRE & ASSOCIATES,)
INC.)
(Byproduct Material License)
24-18959-02))
Docket No. 30-29086-SC
ASLBP No. 91-628-01-SC

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MEMORANDUM AND ORDER" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 7th day of January, 1991:

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard F. Cole
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Charles N. Kelber
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Rhodes-Sayre Associates, Inc.
P.O. Box 365
Brookfield, MO 64628
Attn: Richard G. Rhodes, P.E.

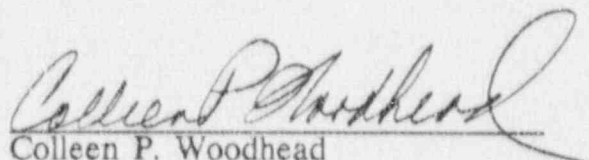
Douglas J. Weiss, OC/LFDCB
Maryland National Bank Bldg., Rm. 4503
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of the Secretary
Attn: Docketing & Service Section
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Board
Panel (1)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Adjudicatory File
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

A. Bert Davis
Regional Administrator, RIII
U.S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, IL 60137

A handwritten signature in cursive script, reading "Colleen P. Woodhead". The signature is written in dark ink and is positioned above the printed name and title.

Colleen P. Woodhead
Counsel for NRC Staff