



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 6, 1994

O'Dea Medical Sales  
ATTN: Mr. Michael J. O'Dea  
P.O. Box 2606  
Southfield, MI 48037

Gentlemen:

This is in reply to your note dated August 20, 1993, returning Invoice No. AM04972-93 and enclosing a copy of Amendment No. 2 dated April 26, 1993, which terminated License No. 21-23551-01. Your note indicated you had not used the licensed materials since October 1991. The Commission is considering your note along with other correspondence received as an exemption request.

The final rule revising 10 CFR Part 170 and 10 CFR Part 171 provided an opportunity for licensees who wished to relinquish their licenses and who were capable of permanently ceasing licensed operations by September 30, 1991, to avoid the FY 1991 annual fee if the licensee notified the Commission in writing within the 30-day period prior to the effective date of the rule (56 FR 31475 and 31485; July 10, 1991). As stated in the **Federal Register** notice, and the notice which was mailed with the invoice, the effective date of the rule was August 9, 1991.

Based on a review of our files, the following is a summary of facts pertaining to License 21-23551-01 which form the bases for the exemption request:

- On November 24, 1992, you wrote NRC asking that your account be credited since prior to October 1991 you discontinued handling any radioactive materials because of the significant increase in the licensing fee and that you also informed your Senator, Carl Levin, that this increase in fees forced you out of the business of handling these materials. Based on the November 24, 1992, letter, the NRC terminated the license on April 26, 1993. However, your November 24, 1992, letter was not timely filed for purposes of avoiding the FY 1991, FY 1992, of FY 1993 annual fees. We have corresponded with you several times regarding these fees.
- A further search of our correspondence files reveals your October 29, 1991, letter to our License Fee and Debt Collection Branch in which you stated: "If we had known at the time of application that this fee was to be assessed, we would not have applied for a renewal. If our license is revoked for nonpayment of this fee, please refund to O'Dea Medical Sales our \$400 renewal fee." The Commission is considering the language in that letter as evidence that, based on the receipt of the FY 1991 annual fee invoice and second and final notices, you decided that you no longer wanted the license and expected it to be revoked. With regard to the \$400 renewal fee, please note that since the license was renewed on August 21, 1991, in accordance with your application, the \$400 fee is not refundable.

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Based on the information provided, the Commission: (1) grants an extension of time to file for termination to November 24, 1992, for purposes of avoiding the FY 1991 annual fee; (2) acknowledges that licensed activities ceased prior to October 1991; and (3) acknowledges that the license was terminated April 26, 1993, based on your November 24, 1992, request. Invoices AM05586-91, AM04693-92, and AM04972-93 will be cancelled.

Sincerely,

Original signed by  
~~James M. Taylor~~  
Executive Director  
for Operations

cc: CSC Credit Services, Inc.

|                             |                             |                            |                             |                          |                         |
|-----------------------------|-----------------------------|----------------------------|-----------------------------|--------------------------|-------------------------|
| LFDCB<br>DBDandois<br>/ /94 | LFDCB<br>IGJackson<br>/ /94 | LFDCB<br>DWeiss<br>/ /94   | LFDCB<br>LTremper<br>/ /94  | DAF<br>EBlack<br>/ /94   | DAF<br>LHiller<br>/ /94 |
| OC<br>CJHolloway<br>/ /94   | OC<br>JFunches<br>/ /94     | OC<br>RMScroggins<br>/ /94 | OGC<br>TROthschild<br>/ /94 | EDO<br>JTaylor<br>6/6/94 |                         |

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