



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 9, 1994

Pharmicon International Corporation  
ATTN: Mia Tepper, Director  
Client Services  
944 West Hyde Park Boulevard  
Inglewood, CA 90302

Gentlemen:

I am responding to your letters of October 5, 1993, and December 6, 1993, in which you are requesting a full waiver of the annual fees for FY 1991 and FY 1992 for License 04-17140-2E (AM08353-91 and AM07012-92).

The bases for your request are: 1) the FY 1991 annual fee invoice (which you believed to be a renewal notice) stated non-payment would result in revocation of your license; 2) you assumed that since the license was being revoked no fees would be due; 3) further it would seem no fees would be due for FY 1992 since the license could not have existed due to its prior revocation in 1991; and 4) you have been trying to cancel the license since 1987-1988.

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 (August 9, 1991).

As stated in the final revision to the Commission's fee regulations in 10 CFR Parts 170 and 171 for FY 1992, which was published in the Federal Register July 23, 1992, the Commission exempted from the FY 1992 annual fee those licensees and holders of certificates, registrations and approvals who either filed for termination or for a possession only/storage license during the period October 1, 1991, through December 31, 1991.

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.

Pharmicon was billed an FY 1993 annual fee because it still had an active license as of the beginning of FY 1993 (October 1, 1992). Since the Commission did not issue the ORDER REVOKING LICENSE until October 27, 1992, the FY 1993 annual fee is waived and Invoice AM07221-93 is being cancelled.

The NRC license authorized was for distribution only and Pharmicon has not distributed under the NRC license for 15 years.

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Based on a further review of the information provided and in the license file, the Commission has determined it should also waive the FY 1991 and FY 1992 annual fees since: 1) Pharmicon had not distributed for 15 years; 2) was capable of ceasing activities for which the NRC license was necessary by September 30, 1991; 3) Pharmicon assumed the FY 1991 annual fee invoice was self-avoiding since it stated nonpayment could result in revocation; 4) the license was revoked effective November 26, 1992; and 5) it would be against equity and good conscience to further pursue collection.

Invoices AM08353-91 and AM07012-92 are also cancelled and the NRC's debt collection contractor will be notified to cease collection.

Sincerely,

**Original signed by  
James M. Taylor**

James M. Taylor  
Executive Director  
for Operations

cc: Payco-General  
American Credit, Inc.

DISTRIBUTION:

10 CFR 171 Exemption File FY 1992 (w/orig. inc.)  
License File 04-17114-02E  
Materials Annual Fee Correspondence File  
Invoice File AM08353-91, AM07012-92, AM07221-93  
NUDOCS (ML61)

PDR	
JGlenn	DWeiss
JLieberman	LTremper
GJackson	LNaval
DDandois	JHolloway
LFDCB R/F (2)	GFehst
EBlack	EDO
OC497	LF921232

*See previous correspondence*

OFFICE:	LFDCB	LFDCB	LFDCB	LFDCB	DAF	OC
NAME:	DDandois	GJackson	DWeiss	LTremper	EBlack	LHiller
DATE:	/ /94	/ /94	/ /94	/ /94	/ /94	/ /94
OFFICE:	OC	OC	OC	OGC	EDO	
NAME:	JFunches	JHolloway	RScroggins	TROthschild	JMTaylor	
DATE:	/ /94	/ /94	/ /94	/ /94	9/12/94	

Pharmicon Int'l Corp.

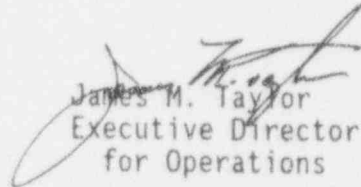
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