



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 9, 1997

Rawl Sales & Processing Company  
Attn: Gary Hatfield  
Project Engineer  
P. O. Box 722  
Matewan, WV 25678

Dear Mr. Hatfield:

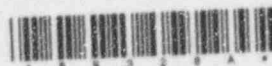
I am responding to your October 15, 1996, letter concerning the payment of annual fee Invoice No. AM6055-96 for License 47-25211-01. Your letter states that the \$1600 was paid upon receipt of our September 17, 1996, letter denying small entity status. You stated all radioactive material was removed from your property in November 1993, and as such you are not subject to the annual fee, and you would like your check returned. Invoice AM6055-96 is for the annual fee for fiscal year (FY) 1996, which is October 1, 1995, through September 30, 1996. For the reasons set forth below, we have determined that your payment will be refunded and no further annual fee assessments will be made for License 47-25211-01.

License 47-25211-01 had an expiration date of December 23, 1993, but was under timely renewal and extended by rulemaking with a new expiration date of August 31, 2002. License 47-25211-01 was terminated December 3, 1996, in accordance with your request dated November 21, 1996. Footnote 1 of 10 CFR 171.16 provides that the annual fee is waived when a license is terminated prior to October 1 of each fiscal year. The 1996 annual fee is waived for those licensees and holders of certificates, registrations, and approvals who filed for termination of their licenses prior to October 1, 1995, and permanently ceased licensed activities by September 30, 1995. An amendment request filed after October 1 of each fiscal year to cancel a license does not cancel the annual fee invoice. Your November 21, 1996, termination request was not timely filed for purposes of avoiding the FY 1996 annual fee.

However, based on the information provided, the NRC: 1) grants an extension of time to November 21, 1996, to file for termination for purposes of avoiding the FY 1996 and FY 1997 annual fees; 2) acknowledges you transferred all radioactive material and ceased licensed operations on November 23, 1993; and 3) acknowledges License 47-25211-01 was terminated December 3, 1996.

Invoice AM6055-96 has been cancelled, and your payment will be refunded. Enclosed is a request for ACH/TIN information which NRC must have to process your refund. You should receive the check within 30 days after our receipt of the completed form. You will not be assessed an annual fee for FY 1997.

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PDR ADOCK 03032861  
C PDR



G. Hatfield

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June 9, 1997

If you have any questions concerning this matter, please contact Rita Messier at 301-415-6067.

Sincerely,

Jesse Funches Original signed by Jesse Funches  
Chief Financial Officer

Enclosure: SF3881

Distribution:

L. Tremper, OC/DAF/LFARB/ARS (for refund)  
S. Kimberley, OC/DAF/LFARB/LFS  
R. Messier, OC/DAF/LFARB/LFS  
License File 47-25211-01 w/cy inc  
Invoice File AM6055-96 w/cy inc  
NUDOCS (ML-61) w/cy inc  
PDR w/cy inc  
OC/DAF LFARB (LF-97-11) w/o inc  
OC/DAF LFARB RF w/o inc  
OC/DAF RF (DAF-7-075) w/o inc  
OC/DAF SF (LF-3.2.2) w/orig inc  
OC RF  
D. Weiss, OC/LFARB (for cancellation)

DOCUMENT NAME: G:\LF-97-11

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