



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

June 9, 1997

Wilbur Smith Associates, Inc.
ATTN: James W. Hardwick
Senior Vice President
Administration and Finance
Nationsbank Tower
1301 Gervais Street, P.O. Box 92
Columbia, SC 29202-0092

Dear Mr. Hardwick:

I am responding to your October 2, 1996, letter stating you were confused regarding payment of annual fees and license termination (Invoice AM5944-96, License 37-27890-01). You also stated it is your presumption that the annual fees are paid in arrears as your recent invoice covers the period October 1, 1995, through September 30, 1996. You indicated that it is your understanding that you must notify the NRC prior to October 1, 1996, of your desire to terminate your license; therefore, you would be paying an additional annual fee for the period October 1, 1996, through September 30, 1997. You stated that the licensed devices were sold in August 1996 and requested the license be terminated. For the reasons set forth below, we have determined that all the annual fees owed to the NRC have been paid and no further annual fee assessments will be made for the terminated license.

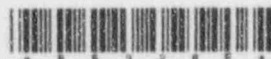
Annual fees are not paid in arrears, rather the annual fee is for and assessed during a specific fiscal year. Invoice AM5944-96 is for fiscal year (FY) 1996 and covers the period October 1, 1995, through September 30, 1996. Your \$1,616.89 payment for the FY 1996 annual fee was received and Invoice AM5944-96 is considered to be paid in full.

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 1997 annual fee is waived for 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, 1996, and permanently ceased licensed activities by September 30, 1996.

Your October 2, 1996, request for termination was not timely filed to avoid the FY 1997 annual fee. As provided in 10 CFR 171.17, licenses for which termination requests are filed during the period October 1 through March 31 of the fiscal year are assessed one-half of the annual fee. License 37-27890-01 was terminated March 18, 1997, based on your October 2, 1996, request. Accordingly, the license would be subject to a 50 percent prorated annual fee for FY 1997 (October 1, 1996, through September 30, 1997) as provided in 10 CFR 171.17.

However, based on the information provided, the NRC: (1) grants an extension to the time to file for termination to October 2, 1996, for purposes of avoiding the FY 1997 annual fee; (2) acknowledges that you ceased licensed operations prior to October 1, 1996; and (3) acknowledges License 37-27890-01 was terminated March 18, 1997, based on your October 2, 1996, request.

10073



June 9, 1997

If you have any questions concerning this matter, please contact Brenda Brown on 301-415-6055.

Sincerely,

Jesse L. Funches ~~Original signed by Jesse Funches~~
Chief Financial Officer

Distribution:

L. Tremper, OC/DAF/LFARB/ARS
S. Kimberley, OC/DAF/LFARB/LFS - make nonbillable for FY 1997
License File 37-27890-01 w/cy inc
Invoice File AM5944-96 w/cy inc
NUDOCS (ML-61) w/cy inc
PDR w/cy inc
OC/DAF LFARB (LF-96-256) w/o inc
OC/DAF LFARB RF w/o inc
OC/DAF RF (DAF-7-080) w/o inc
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G:LF96-256

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