

Bracken Construction Company  
ATTN: Mr. Dale A. Bracken  
P.O. Box 186  
Sligo, PA 16255

June 19, 1997

Dear Mr. Bracken:

I am responding to your October 30, 1996, letter which you submitted in response to our October 17, 1996, letter to you regarding Invoice AM4573-96 for License 37-19357-01. Your letter requests that NRC grant a waiver of the 50 percent prorated annual fee because Bracken Construction Company sold the devices to IA Construction Corporation on September 8, 1995. You enclosed a copy of the sales agreement between Bracken Construction Company and IA Construction Corporation. You also stated that Bracken Construction Company liquidated in 1996 and there are no funds available to pay the annual fee.

As stated previously in our October 17, 1996, letter to you, 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 either filed for termination of their licenses or approvals or filed for possession only/storage only 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. 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. Your termination request was timely filed for purposes of the 50 percent proration. As stated on the invoice, the amount billed reflects the 50 percent proration.

However, based on the information provided in your October 30, 1996, letter, the NRC: 1) grants an extension of time to file for termination to October 2, 1995, for purposes of avoiding the FY 1996 annual fee; 2) acknowledges you sold the business to IA Construction Corporation on September 8, 1995; 3) acknowledges Bracken Construction Company has been liquidated and there are no assets to pursue; and 4) recognizes NRC terminated License 37-19357-01 on November 28, 1995, based on your requests of October 2, October 30, and November 22, 1995.

Invoice AM4573-96 has been cancelled. If you have any questions concerning this matter, please contact Brenda Brown at 301-415-6055.

Sincerely,

Original signed by Jesse Funches

Jesse L. Funches  
Chief Financial Officer

9706240313 970619  
PDR ADOCK 03017484  
C PDR

240086



Distribution:

L. Tremper, OC/DAF/LFARB/ARS  
D. Weiss, OC/DAF/LFARB for Invoice Action. Done  
License File 37-19357-01 (w/cy inc)  
Invoice File AM4573-96 (w/orig inc)  
NUDOCS (ML-61) (w/cy inc)  
PDR (w/cy inc)

OC/DAF/LFARB (LF-96-278)  
OC/DAF/LFARB RF  
OC/DAF RF (DAF 7-079)  
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DOCUMENT NAME: G:\LF96-278

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DATE	6/1/97		6/1/97		6/3/97		6/11/97		6/19/97	

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DAF Action Items
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Action: DAF-7-079      Bracken Construction Company
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Priority Item (*):	OC#:	EDO#:
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Due Date: 97/06/04	Completion Date:	Responsible: LFARB/BEB
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Date Received: 97/05/29
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Comment: LETTER TO: Glenda Jackson FROM: Dale A. Bracken SUBJECT: October 30, 1996 letter requesting that fee be waived for Lic. No. 37-19357-01.
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