

August 10, 2005

Mr. Chris Marden
Quality Assurance Manager
BNG America
9781 S Meridian Boulevard, Suite 100
Englewood, CO 80112

Dear Mr. Marden:

I am responding to your June 27, 2005, letter requesting that the U.S. Nuclear Regulatory Commission (NRC) grant an exemption from the annual fee for fiscal year (FY) 2005. The NRC is unable to grant the exemption since your termination request received July 7, 2005, was not timely filed for the purpose of avoiding or prorating the annual fee.

The FY 2005 annual fee covers the period October 1, 2004, to September 30, 2005. Footnote 1 of 10 CFR 171.16 provides that the annual fee will be waived if the request for termination is received prior to October 1 of each fiscal year, and all licensed activities permanently ceased by September 30 of each fiscal year. A license termination request filed during the period of October 1 through March 31 of the fiscal year is assessed one-half of the annual fee. Enclosed is a copy of the 10 CFR 171 that was effective during the period of June 25, 2004, through July 24, 2005.

In your letter dated June 27, 2005, you stated that on April 18, 2005, BNG America (formerly BNFL, Inc.) received a second notice invoice for the annual fee for the Quality Assurance (QA) program at your Arlington, Virginia office, which you returned with a note informing the NRC that BNG America would not be renewing the QA program under 10 CFR 71 due to BNG America not having, or foreseeing award of, 10 CFR 71 work. You also stated that BNG America was previously unaware of the guidance associated with the deadlines to avoid fees prior to your telephone conversation with Ms. Diane Dandois, of the Accounts Receivable Team, during the week of June 6, 2005. However, enclosed is a copy of a July 31, 2003, e-mail correspondence from Mr. Frank Jacobs, of the NRC to you. The e-mail states that "NRC currently does not terminate approvals based on the approval holder's inactivity in work under 10 CFR 71. The current approval and annual fees will continue until the expiration date of March 31, 2006, unless you request termination."

C. Marden

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Your license termination request dated July 5, 2005, is being processed. Enclosed is a copy of invoice AM1851-05 and the current status of your account which reflects additional fees for interest and administrative charges through April 11, 2005. Payment of the outstanding balance in the amount of \$91,387.54 is due. I will waive the interest and administrative charges of \$87.54 if full payment is received within 30 days from the date of this letter.

If you have any question, please contact Mr. William Blaney of my staff at 301-415-5092.

Sincerely,

/RA/

Jesse L. Funches
Chief Financial Officer

Enclosures:

1. 10 CFR Part 171
2. E-mail dated July 7, 2003
3. Forecast Report AM1851-05
4. Returned Invoice AM1851-05

C. Marden

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*See previous concurrence

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