



Mine Safety Appliances Company • P.O. Box 427 • Pittsburgh, PA 15230-0427

Telephone: (724) 776-8600

Writers Direct Dial No.

United States Nuclear Regulatory Commission
 Accts Receivable Team
 Mr. Jesse Funches CFO
 11545 Rockville Pike
 Rockville, MD 20852

February 19, 2007

RE: USNRC Recently Proposed Billing Change to License 37-00261-04
 FEDEX – Overnight

Dear Mr. Funches:

This letter is in response to a January 16, 2007 letter Mine Safety Appliances Company (“MSA”) recently received from the United States Nuclear Regulatory Commission (“USNRC”).

The letter stated that an administrative error had occurred which caused the USNRC to invoice MSA at an incorrect license fee category for the past five years. Specifically, for the past 10+ years we have been licensed at a category 3P, but without any explanation the recent USNRC letter concluded we were a category 3M. Accompanying the letter were six new invoices totaling approximately \$30,000 for amounts now due to the USNRC due to its administrative error. The six new invoice numbers are:

<u>Invoice number</u>	<u>Amount</u>
AM3420-01	2,500.00
AM3240-02	4,400.00
AM3421-03	4,800.00
AM3127-04	5,600.00
AM3135-05	5,900.00
AM3213-06	6,100.00

In response to the recent letter and invoices, MSA conducted a review of our files and license fee category, reaffirming that we are properly a category 3P. Therefore, the additional amount of \$30,000 should not have been invoiced to us.

First, we have maintained a 3P license fee category for over 10 years, conducting similar activities throughout that time period specifically related to gas chromatograph devices. Second, during our last license renewal application submitted in 2001 we mistakenly referenced a license fee category 3M instead of 3P. Shortly after the submittal of our 2001 application, a USNRC representative contacted us to advise us of our mistake and informed us the agency would renew and invoice the license at the 3P fee category due to our application (i.e., gas chromatograph devices). Subsequent to that conversation with the USNRC, and ever since renewal of our license in 2001, we have been properly invoiced at a 3P license fee category and have paid all such invoices upon receipt.

In light of the foregoing, it is clear that there was no administrative oversight on the part of the USNRC and that MSA is and has been properly classified at the 3P license fee category. Accordingly, we request that the USNRC remove the additional invoice charges representing the 3M category and continue to bill MSA at the 3P category in accordance with our license.

Please contact me at 724-776-8906 with any questions or concerns. Thank you for your consideration of this matter.

Best Regards,



Mary T. McGinley
Quality Assurance Engineer,
Radiation Safety Officer