

DICK CHENEY
WYOMING

Congress of the United States
House of Representatives
WASHINGTON, D.C. 20515

September 23, 1980

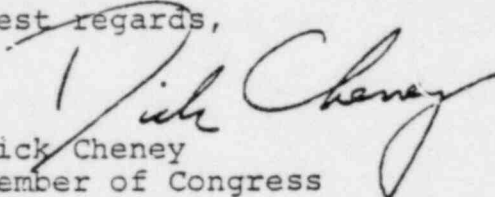
Dear Mr. Kammerer:

I've received the enclosed self-explanatory letter from my constituent, Dr. Thomas Toft.

I'd appreciate an explanation of the Nuclear Regulatory Commission policy in this area, particularly the question of NRC's authority to require private parties to pay for inspections of their facilities, and the pattern of such inspections.

Thanks very much for your assistance.

Best regards,


Dick Cheney
Member of Congress

Mr. Carlton Kammerer
Director
Office of Congressional Affairs
Nuclear Regulatory Commission
1717 H Street N.W.
Washington, D.C. 20555

Enclosure

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CLINICAL LABORATORIES CHEYENNE

PATHOLOGISTS: H. Y. TSUMAGARI, M.D., R. G. MCCLEERY, M.D., T. V. TOFT, M.D.

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September 4, 1980

The Honorable Malcolm Wallop, U. S. Senator for Wyoming
452 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Wallop:

I am writing to express my concern over the new policy of the Nuclear Regulatory Commission (NRC) to bill medical facilities for inspections of their radioisotope departments. We were inspected $3\frac{1}{2}$ years ago by the NRC at which time we were told that except for two minor, easily corrected infractions, we were complying with the regulations in all areas and in fact were probably taking more precautionary steps than were actually necessary since we handle such very small amounts of radioisotopes which are used in our laboratory only for diagnostic (never therapeutic) purposes and for the most part only for in vitro (outside the body) tests.

The inspector expressed the belief that we probably would not need to be inspected again for a long time, if ever. Yet five months ago another inspector arrived unannounced when our chief radioisotope technologist was on vacation and said that we were to be inspected then and to expect more of the same at any time in the future despite the very small amount of radioisotopes we are handling. Then we were informed we would be billed for the inspection despite the fact that it was involuntary and can be done again at any time and at whatever interval the NRC pleases. We passed the inspection without any deficiencies or infractions; but, nevertheless, we are still tired of this government regulatory overkill. The bill for this inspection recently came and for a rather shocking amount: \$330 for about two hours work on the part of the inspector.

We are used to paying for our voluntary inspections done by professional organizations but not for those done by the Federal Government. We had to pay up, however, since it was stated that to not do so could result in loss of our license to handle radioisotopes.

I am protesting the arbitrary manner in which the Government carried out and charged for this inspection. We feel this fee is unfair and unnecessary and as overburdened taxpayers we had in essence already paid for it.

We would appreciate it if you would look into this new NRC practice. Do they have proper legislative authority to charge this fee?

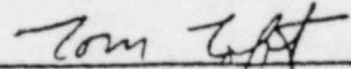
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from Wyoming - Washington, D. C.

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Please do not send them a copy of this letter or give the NRC my name. Frankly, I am afraid of the possibility, however remote, that it could result in the loss of my license when it's time to send in my renewal application in 1983.

Thank you very much for your time and consideration both now and in the past.

Sincerely yours



Thomas V. Toft, M.D.
Pathologist

TVT/smb

cc: The Honorable Allen K. Simpson,
U. S. Senator from Wyoming
6203 Dirkson Senate Office Building
Washington, D. C. 20510

The Honorable Representative Dick Cheney
U. S. Representative from Wyoming
427 Cannon Office Building
Washington, D. C. 20515