

JOHN GLENN

OHIO

COMMITTEES

- GOVERNMENTAL AFFAIRS, CHAIRMAN
- ARMED SERVICES
- SELECT COMMITTEE ON INTELLIGENCE
- SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-3501

December 17, 1993

Mr. Ivan Selin
Chairman
Nuclear Regulatory Commission
Room 17D1
11555 Rockville Pike
Rockville, MD 20852

Dear Mr. Selin:

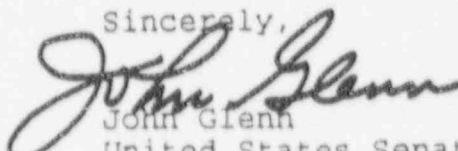
I am contacting you on behalf of my constituent, Mr. Martin H. Gold, 400 South Fifth Street, Suite 100, Columbus, Ohio 43215. Enclosed for your review is a copy of his correspondence and enclosed material from the Nuclear Regulatory Commission (NRC) regarding Columbus BreastCare Center, Inc., 3474 East Livingston Avenue, Columbus, Ohio 43227.

As you will note, Mr. Gold is concerned about the NRC's licensing and inspection fees for the Columbus BreastCare Center's bone densometer, used to measure bone mass as a way of testing for osteoporosis. He is concerned with both the number and increasing amount of the fees, and because his wife was told that the fees are going up because the number of centers with bone densometers is going down. Given the small amount of radioactive material in the equipment and the fact that radioactive material is not used to treat patients, he questions the NRC's current charges for machines performing bone scans -- tests which cost only \$88.00 per scan at the BreastCare Center.

I certainly understand the concerns expressed by Mr. Gold, and am taking this opportunity to request a report from you about the NRC's licensing and inspection fees and requirements. I look forward to hearing back from you at your earliest opportunity, and I thank you in advance for your assistance. Please direct your reply to the attention of Diane Lifsey in my Washington, D.C. office.

Best regards.

Sincerely,


John Glenn
United States Senator

JG/dl
Enclosures

9403170117 940317
PDR PR
170 58FR21116 PDR

Martin H. Gold
400 South Fifth Street
Suite 100
Columbus, Ohio 43215

December 15, 1993

Senator John Glenn
503 Hart Senate Office Building
Washington DC 20510

Dear John:

Attached please find an invoice my wife received from the NRC which is self explanatory.

Frankly John we don't really understand the entire fee structure involved or what it's for and we feel that the NRC is taking advantage of a situation although they say that Congress mandated the rates.

The Columbus BreastCare Center performs a procedure on women for osteoporosis which incidentally is not a very serious procedure. The unit that is used is a bone densometer and utilizes a radioactive source the size of a bullet. I understand that there is more radio activity in flying from Columbus to Washington than is in the source.

As I understand it the NRC charged the BreastCare Center \$5,000 in March of 1992 for a license fee. In August of 1993 they paid an additional license fee of \$1,800. In June of 1992 they inspected the premises and equipment and in November of 1993 sent a bill for \$1,000. they inspected the premises again in October of 1993 and the inspector indicated that the fee was going to be \$2,100. When Barbara asked why the fee increased, he indicated that they have lost about 20% of the facilities they inspect so the remaining facilities must take up the slack.

Frankly John, I'm not really sure what this whole thing is all about but the BreastCare Center does not treat people with a radioactive source. All they do is use the source in some water which in turn, when used in the densometer, gives the bone scan reading. This is not like a full blown radiology center that treats patients with radioactive material.

Martin H. Gold
400 South Fifth Street
Suite 100
Columbus, Ohio 43215

December 15, 1993
Page Two

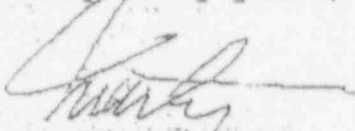
You'll have to admit that incurring expenses for licensing and inspections over a two year period of \$9,900 is a lot of money. It is hard for me to believe that Congress mandated these charges with a facility that uses a machine to perform bone scans for osteoporosis.

Also John we charge \$88 for this procedure and you can imagine how many we have to do to just break even.

I just get the feeling that the osteoporosis unit in question was included with a lot of other radioactive equipment which is a lot more dangerous if used improperly. Our radiologist says that there is so little radioactivity in this source that you can almost carry it in your pocket. Also John the source must be replaced every three months and the cost is \$1,800 each time.

This is somewhat exasperating, John and I really would appreciate your looking into this for us and see if there is any relief.

Very truly yours,



Martin H. Gold

MEG/jb

Encl.

U. S. NUCLEAR REGULATORY COMMISSION
INSPECTION FEE INVOICE
10 CFR 170.31

Invoice Date

11/22/93

Invoice Number

MM0438-94

Attention: JEROME G. DARE, R.S.O.

COLUMBUS BREAST CARE CENTER, INC.
3474 E LIVINGSTON AVE
COLUMBUS, OH 43227

<u>License Number</u>	<u>Date of Inspection</u>	<u>Lic. Fee Category</u>	<u>Code AA905</u>	<u>Amount Due</u>
34-24796-02	06/23/92	7C	INS-R	\$ 1000.00
TOTAL FEE THIS BILLING \$				1000.00

Terms and conditions are attached.

Make Checks Payable To:

U.S. Nuclear Regulatory Commission
License Fee & Debt Collection Branch
PO Box 954514
St. Louis, MO 63195-4514

<== This PO Box address is for
<== receipt of payments only.

Questions? Call Mr. Maurice Messier 301/492-8744

NRC PROCEDURES FOR EXTENDING PAYMENT DATES OF LICENSE, INSPECTION, AND ANNUAL FEE INVOICES (Continued)

2. The assertion that the invoice is unsupported by a sufficiently detailed breakdown of dates, hours, and other data, does not constitute an explanation of why the amount billed is incorrect in fact or in law. If the debtor views information furnished with the invoice as insufficient for the purpose of a request for an extension, the debtor should seek the necessary information as soon as possible in order that a request for extension can be submitted within the 30-day period.

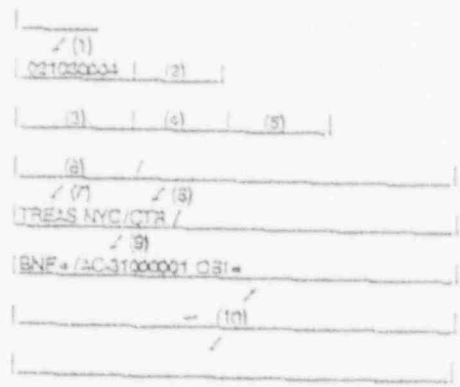
3. If an extension of the 30-day period is granted and the amount originally billed remains unchanged, such extension will be stated on the revised invoice as provided in 2A above.

4. NRC records in support of billed fees are not subject to audit by non-Governmental entities. However, copies of records desired by a debtor can be made available to the debtor if they are reproduced at the debtor's expense. For any charges which may be assessed, refer to 10 CFR Part 9.

5. NRC will refund to a debtor any amount which is later determined to be an overpayment, including interest, if any, which was paid by the debtor on such amount. NRC is not authorized to pay interest on any part of a license, inspection, or annual fee which was paid to NRC and is later refunded.

PROCEDURES FOR ELECTRONIC FUNDS TRANSFER

The U.S. Nuclear Regulatory Commission (NRC) has been informed by the U.S. Department of the Treasury (Treasury) that effective October 1, 1993, changes will affect our ability to receive funds through Fedwire Deposit System (FDS). The basic FDS wire message format will be changed to comply with the Federal Reserve Board's decision to implement a standard structured third-party format for all Electronic Funds Transfer (EFT) messages. A sample of an EFT message to Treasury and a narrative description of each field follows:



- Field Content**
- (8) **PRODUCT CODE** - A product code of "CTR" for customer transfer should be the first data in the **PRODUCT-TYPE-TEXT** field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.
 - (9) **AGENCY LOCATION CODE (ALC)** - THIS ITEM IS OF CRITICAL IMPORTANCE. IT MUST APPEAR ON THE FUNDS TRANSFER DEPOSIT MESSAGE IN THE PRECISE MANNER AS STATED TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE TO THE AGENCY LOCATION CODE OF THE APPROPRIATE AGENCY. The ALC identification sequence can, if necessary, begin on one line and end on the next line; however, the field tag "BNF=" must be on one line and cannot contain any spaces. NRC's 8-digit ALC is:

BNF=/AC-31000001
 - (10) **THIRD-PARTY INFORMATION** - The Originator to Beneficiary information field tag "OSI=" is used to signify the beginning of the free-form third-party text. All other identifying information enable the NRC to identify the deposit, e.g., NRC invoice number, description of fee - 10 CFR 171 annual fee, and plant name.

- Field Content**
- (1) **RECEIVER-DELT** - The Treasury Department's ABA number for deposit messages is 021030004.
 - (2) **TYPE-SUBTYPE-CQ** - The type and subtype code will be provided by the sending bank.
 - (3) **SENDER-DELT** - This number will be provided by the sending bank.
 - (4) **SENDER-REF#** - The sixteen-character reference number is inserted by the sending bank at its option.
 - (5) **AMOUNT** - The transfer amount must be punctuated with commas and decimal point use of the "V" is optional. This item will be provided by the depositor.
 - (6) **SENDER-OF-NAME** - This information is automatically inserted by the Federal Reserve Bank.
 - (7) **RECEIVER-OF-NAME** - The Treasury Department's name for deposit messages is "TREAS NYC." This name should be entered by the sending bank.

The optimum format for fields 7, 8, 9, and 10 using an 8-digit ALC is as follows:

TREAS NYC/CTR/BNF=/AC-31000001 OSI=

The optimum format, shown above, will allow 219 character positions of information following the "OSI=" indicator.

If the licensee's bank is not a member of the Federal Reserve System, the non-member bank must transfer the necessary information and funds to a member bank who then must transfer the information and funds to the local Federal Reserve Bank.

For transfer of funds from local Federal Reserve Banks to be recorded on the same day, the transfer must be received at the New York Federal Reserve Bank by 4 p.m., EST. Otherwise, the deposit will be recorded on the next working day.

If there are any questions, contact:

LICENSE FEE AND DEBT COLLECTION BRANCH
U. S. NUCLEAR REGULATORY COMMISSION
TELEPHONE: (301) 492-7225

U.S. NUCLEAR REGULATORY COMMISSION

LICENSE, ANNUAL, AND INSPECTION FEE INVOICE - TERMS AND CONDITIONS

NOTICE: This invoice shows the fee assessed for a recent licensing action(s) or inspection(s) of your licensed program or the assessment of the annual fee. Fees are assessed in accordance with the schedules contained in 10 CFR Part 170 or 10 CFR Part 171. The revocation or termination of a license does not relieve the licensee of its responsibility for any debt(s). The fee(s) and associated interest, penalties, and administrative costs, if any, constitute a debt to the United States pursuant to Federal law, and the invoice is the demand for payment required under Federal law and implementing regulations. The NRC will not accept or execute any purchase order submitted by an applicant/licensee as a condition to the applicant/licensee paying the debt. The NRC also reserves the right not to accept or execute any claim form or other document submitted by an applicant/licensee as a condition to the applicant/licensee paying the debt.

TERMS: Payment is due immediately and should be made payable by check, draft, money order, or electronic funds transfer made payable to the U.S. Nuclear Regulatory Commission. Where specific payment instructions are provided on the bills to applicants or licensees, payment should be made accordingly, e.g., bills of \$5,000 or more will normally indicate payment by electronic funds transfer. With respect to Federal agencies, payment by either Standard Form (SF) 1081 (Voucher and Schedule of Withdrawal and Credits) or the On-line Payment and Collection System (OPAC's) will be accepted.

INTEREST: Interest will be assessed in accordance with 31 U.S.C. 53717, and will accrue from the invoice date at the annual rate of 4%. However, interest will be waived if payment is received within 30 days from the invoice date. For NRC debt collection procedures, refer to 10 CFR Part 15.

PENALTY: A penalty charge will be assessed on any portion of a debt that is delinquent for more than 30 days at the annual rate of 5%. This charge will be calculated on or after the 31st day of delinquency, but will accrue from the date the debt became delinquent. For this purpose, a debt is "delinquent" if it has not been paid by the invoice date.

ADMINISTRATIVE CHARGE: The NRC is required to assess an administrative charge incurred as a result of a delinquent debt. Administrative costs may include costs incurred in obtaining a credit report or in using a private debt collector, to the extent they are attributable to the delinquency. The minimum administrative charge is \$10 a month.

USE OF CONSUMER REPORTING AGENCIES AND CONTRACTING FOR COLLECTION SERVICES: In addition to assessing interest, penalties and administrative costs, the NRC may report a debt that has been delinquent for 90 days to a consumer reporting agency. In accordance with 10 CFR Part 15, the NRC may also refer the delinquent debt to a debt collection agency in order to recover the delinquent debt.

10 CFR 170.41 FAILURE BY APPLICANT OR LICENSEE TO PAY PRESCRIBED FEES AND 10 CFR 171.23 ENFORCEMENT: In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee or files a false certification with respect to qualifying as a small entity under the Regulatory Flexibility Criteria, the Commission will not process any application and may suspend or revoke any license or approval issued to the applicant or licensee or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of these Parts.

10 CFR 170.51 RIGHT TO REVIEW AND APPEAL OF PRESCRIBED FEES: All debtors' requests for review of the fees assessed, and appeal or disagreement with the prescribed fee, must be submitted in writing in accordance with the provisions of 10 CFR 15.31, "Disputed Debts."

CONTACTS: Questions relating to the assessment of fees, and/or correctness of the address, call (301) 492-7223 or direct correspondence to:

LICENSE FEE AND DEBT COLLECTION BRANCH
OFFICE OF THE CONTROLLER
U. S. NUCLEAR REGULATORY COMMISSION
WASHINGTON DC 20555-0001

NRC PROCEDURES FOR EXTENDING PAYMENT DATES OF LICENSE, INSPECTION, AND ANNUAL FEE INVOICES

License, inspection, and annual fees are billed in accordance with the schedules contained in 10 CFR Part 170 and 10 CFR Part 171. Interest on the amount billed accrues from the invoice date, but will be waived if the amount due is paid within 30 days after said date. If the 30-day period is extended, interest will be waived provided the debt is paid before the expiration of the extended period. The 30-day period may be extended, at NRC's discretion, in accordance with the following procedures:

1. The NRC must receive the debtor's written request for an extension of the period, before expiration of the 30-day period. The request should explain why the debt is incorrect in fact or in law (10 CFR §15.31). If the request is not received within the 30-day period, it will automatically be denied. Telephone requests for extensions will not be considered. Requests for extensions of the 30-day period should be submitted to:

LICENSE FEE AND DEBT COLLECTION BRANCH
OFFICE OF THE CONTROLLER
U. S. NUCLEAR REGULATORY COMMISSION
WASHINGTON DC 20555-0001

2. The debtor's explanation must have merit for the NRC to extend the 30-day period. A request is deemed to have merit if it causes the NRC to question whether the amount originally billed is correct.

A. If the explanation has merit, the NRC will notify the debtor in writing that the request is granted and that the 30-day period will be extended to a certain date. This date will be stated on the revised

invoice and will be approximately 15 days after the date the revised invoice is mailed. The amount on the revised invoice will constitute a final determination of the extension or amount of the debt. A final determination by NRC for this purpose need not await the outcome of litigation or further administrative review. Further extensions of this date stated on the revised bill will not be granted. If the amount on the revised invoice is not paid on or before the date stated on the invoice, interest from the date of the original invoice will become due and payable.

B. NRC may, at its option, meet with the debtor's representatives to receive further evidence or arguments supporting the debtor's conditions.

C. A request for an extension may be granted either with respect to the entire amount originally billed or with respect to a portion of the amount originally billed. In the latter case, the remainder of such amount remains due and payable as originally billed and if not paid on or before that date, interest from the date of the original invoice will become due and payable.

D. If the debtor's explanation does not have merit and does not cause the NRC to question whether the amount originally billed is correct, the request will be denied. Failure of NRC to notify a debtor before the end of the 30-day period that a request for an extension has been denied will not constitute grounds for a waiver of interest.

(Continued on reverse)



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20666-0001

January 25, 1994

The Honorable John Glenn
United States Senate
Washington, DC 20510-3501

Dear Senator Glenn:

I am responding to your letter of December 17, 1993, written on behalf of your constituent, Mr. Martin H. Gold, regarding NRC's fee structure for nuclear devices used by the Columbus BreastCare Center, Inc.

As you noted, the Omnibus Budget Reconciliation Act of 1990 (OBRA-90) requires that the Commission recover 100 percent of its budget authority, less appropriations from the Department of Energy (DOE) administrated Nuclear Waste Fund, for Fiscal Years 1991 through 1998 by assessing license and annual fees. To recover the budget, the NRC assesses licensing and inspection fees under 10 CFR Part 170 and annual fees under 10 CFR Part 171. Fees assessed under 10 CFR Part 170 include license application fees, amendment fees, renewal fees, and inspection fees. Columbus BreastCare was assessed these types of fees for its application for a license and the NRC inspections. Annual fees are to recover NRC's generic and other costs that are not recovered as identifiable services to specific licensees and applicants under 10 CFR Part 170. The annual fees allocate the generic costs that are attributable to a given class of licensee to that class. Columbus BreastCare was assessed an annual fee in FY 1993 to recover the generic costs for regulating medical licensees.

The NRC has reduced the impact of fees on licensees by establishing maximum annual fees for small entities. For licensees with gross receipts between \$250,000 and \$3,500,000, a maximum annual fee of \$1,800 has been established. A lower-tier small entity fee of \$400 has been established for small businesses and non-profit organizations with gross annual receipts of less than \$250,000 and for small governmental jurisdictions with populations of less than 20,000. The Commission recognizes that this fee structure does not eliminate all economic impacts, but strikes a balance between the requirements of the Public Law to collect 100 percent of the budget and the Regulatory Flexibility Act to consider the impact of small entities.

The following is a discussion of the specific fees assessed. Columbus
Congressional Correspondence FY 1994

RScroggins	JFunches	OC-93-536	OC R/F	
CRC-93-1124	SECY	EDO-9625	EDO R/F	
EBlack	DDandois	GJackson	LFDCB R/F (2)	DAF R/F

LFDCB	DAF LV	DAF Annual	OC	OC	EDO	
DDandois	EBlack	LHiller	JFunches	RScroggins	JMTaylor	
1/14/94	1/19/94	1/19/94	1/19/94	1/19/94	1/24/94	

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CONGRESSIONAL CORRESPONDENCE SYSTEM
DOCUMENT PREPARATION CHECKLIST

This checklist is to be submitted with each document (or group of Qs/As) sent for filing into the CCS.

1. BRIEF DESCRIPTION OF DOCUMENT(S) Mr. Jo Sen. Glenn
2. TYPE OF DOCUMENT Correspondence Hearings (Qs/As)
3. DOCUMENT CONTROL Sensitive (NRC Only) Non-sensitive
4. CONGRESSIONAL COMMITTEE and SUBCOMMITTEES (if applicable)

Congressional Committee

Subcommittee
5. SUBJECT CODES
(a) _____
(b) _____
(c) _____
6. SOURCE OF DOCUMENTS
(a) _____ 5520 (document name _____)
(b) Scan- (c) _____ Attachments
(d) _____ Rekey (e) _____ Other _____
7. SYSTEM LOG DATES
(a) 2/18/94 Date OCA sent document to CCS
(b) _____ Date CCS receives document
(c) _____ Date returned to OCA for additional information
(d) _____ Date resubmitted by OCA to CCS
(e) _____ Date entered into CCS by _____
(f) _____ Date OCA notified that document is in CCS
8. COMMENTS