

UNITED STATES
NUCLEAR REGULATORY COMMISSION

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|--------------------------------|---|-------------------------|
| In the Matter of |) | |
| |) | Docket No. 030-17963 |
| Lake County Health Department |) | License No. 13-16474-03 |
| Attn: Radiation Safety Officer |) | |
| 2293 North Main Street |) | |
| Crown Point, IN 46307 |) | |

ORDER REVOKING LICENSE

I

Lake County Health Department (Licensee) is the holder of Materials License No. 13-16474-03, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to the Atomic Energy Act, as amended, 42 U.S.C. §§ 2011 et seq., that authorizes the activities stated therein. The license has an expiration date of May 31, 1996.

II

Pursuant to 10 C.F.R. § 171.16, the Licensee is required to pay an annual fee. The Licensee's annual fee for this license for Fiscal Year 1991, as set forth in fee category 3P of 10 C.F.R. § 171.16(d), is \$1,500. As provided in 10 C.F.R. § 171.19, the Licensee's fee payment for Fiscal Year 1991 was due on August 9, 1991. The Commission sent Invoice AM05323-91 dated August 9, 1991, to the Licensee requesting payment of the annual fee described above within 30 days. The Commission sent a second notice of payment due to the Licensee on September 10, 1991. On October 8, 1991, the Commission sent a third, final notice of payment due, together with a Notice of Delinquent Debt (Notice).

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13-16474-03 PDR

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to the Licensee. The final notice of payment due specifically informed the Licensee that, "nonpayment of your fee may result in the Revocation of your License in accordance with the enforcement provisions of the Commission's regulations," namely, 10 C.F.R. § 171.23. On January 8, 1992, the Commission denied the licensee's September 16, 1991, request for an exemption from the annual fee. To date, the Licensee has not paid the annual fee required by 10 C.F.R. Part 171.

III

In view of the foregoing and pursuant to Sections 53, 57, 62, 63, 81, (as applicable), and Sections 161b, 161c, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2073, 2077, 2092, 2093, 2111, 2232 and 2236, and the Commission's regulations in 10 C.F.R. § 2.202, 10 C.F.R. § 171.23, and 10 C.F.R. Parts 30-35, 40, and 70 (as applicable), IT IS HEREBY ORDERED THAT:

- A. Thirty (30) days from the effective date of this Order, Materials License No. 13-16474-03 is revoked, except that it continues in effect with respect to possession of residual licensed nuclear material present as contamination until the Commission notifies the Licensee in writing that the License is terminated;
- B. Beginning thirty (30) days from the effective date of this Order and until the Commission notifies the Licensee in writing that the License is terminated, the Licensee shall:

1. limit actions involving licensed nuclear material to those related to decommissioning; and
 2. continue to control entry to restricted areas until they are suitable for release for unrestricted use;
- C. The Licensee shall dispose of any licensed nuclear material acquired or possessed under the authority of License No. 13-16474-03 within thirty (30) days after the effective date of this Order, either by returning the material to the manufacturer or transferring it to another person licensed to possess the same material;
- D. Within 5 days after disposal of the material, the Licensee shall notify in writing A. Bert Davis, the Regional Administrator for NRC Region III, at 799 Roosevelt Road, Glen Ellyn, Illinois 60137, of the disposition of any licensed material which may have been possessed on the date of the Order under authority of License No. 13-16474-03; and
- E. Within thirty (30) days of the effective date of this Order, the Licensee shall conduct a radiation survey of the premises where the licensed activities were carried out, as set forth in 10 C.F.R. § 30.36(c)(1)(v), 40.42(c)(1)(v), and 70.38(c)(1)(v), as applicable, and submit a report of the results of this survey to A. Bert Davis, the Regional Administrator for NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

Failure to comply with any of the above conditions may result in further enforcement action, including, but not limited to, daily civil monetary penalties for noncompliance beyond any deadline established above.

The Deputy Chief Financial Officer/Controller may relax or rescind the above conditions upon the Licensee's showing, in writing and under oath or affirmation, of good cause.

IV

The Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 30 days of the date of this Order. The answer shall specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why this Order should not have been issued. Any answer filed within 30 days of the date of this Order may include a request for a hearing. Any answer or request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Branch, Washington, D.C. 20555. Copies also shall be sent to the Deputy Chief Financial Officer/Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Assistant General Counsel for Hearings and Enforcement at the same address; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555; A. Bert Davis, the Regional Administrator, NRC Region III, 799 Roosevelt Road, Glen

Ellyn, Illinois 60137; and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 C.F.R. § 2.714(d).

In lieu of filing an answer to the Order, the Licensee may pay the prescribed annual fee, together with the amounts specified below, within thirty (30) days of the date of this Order. This Order is rescinded in the event the Licensee remits the required fee of \$1,500 plus applicable interest, penalties, and administrative charges of \$426.11 through November 13, 1992, for a total of \$1,926.11. If payment is received prior to November 13, 1992, a deduction of \$0.58 per day for interest and penalties may be made from the total amount of \$1,926.11.

If the Licensee or a person whose interest is adversely affected requests a hearing, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

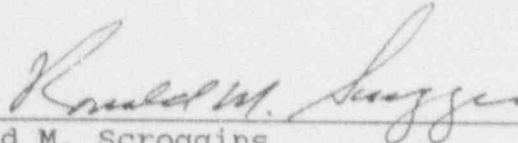
V

In the absence of any request for hearing, this Order shall be final and effective 30 days from the date of this Order without further order or proceedings.

VI

The \$1,500 fee plus interest, penalties and administrative charges of \$426.11 through November 13, 1992, for Invoice AM05323-91 is a delinquent debt to the United States. Failure to make a remittance of \$1,926.11 within 30 days of the date of this Order may, pursuant to 10 C.F.R. Part 15, result in referral of the delinquent debt to a collection agency, referral to the U.S. General Accounting Office or the U.S. Department of Justice for litigation, or other action deemed appropriate. Pursuant to 10 C.F.R. § 15.29, the Commission may not consider a new application for a license from the Licensee unless all previous delinquent debts of the Licensee to the NRC, including the delinquent debt identified in this Order, have been paid in full.

FOR THE NUCLEAR REGULATORY COMMISSION



Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Dated at Rockville, Maryland
this 27th day of October, 1992

DISTRIBUTION:

B3 Orders Revoking Licenses File FY 91 w/orig. backup
Materials Annual Fee Correspondence File 91 w/cy of backup
PDR w/copy of backup

License File 13-16474-03 w/cy of backup

Invoice File AM05323-91 w/cy of backup

RScroggins, OC

JFunches, OC

JHolloway, OC

JLieberman, OE

GFehst, OGC

F. Bert Davis, Regional Administrator

Reactor Licensing, OGC

JGlenn, NMSS

Enforcement Coordinator, Region III

EBlack, OC/DAF

DDandois, LFDCB

GJackson, LFDCB

LFDCB R/F (2)

OC/DAF R/F

OC R/F

J. Grobe, RIII

DWeiss, LFDCB w/cy of backup

IAO 01/B:REV.CON

OFFICE: OGC *BRF*

NAME:

DATE: *10/16/92*

OFFICE: NMSS/IMAB

NAME: *JG* JGlenn

DATE: *9/15/92*

8 DAF/LFDCB *DD*
GJackson/DDandois
9/27/92

OC *X*
JFunches

10/26/92

OC/DAF *Rec. 8-23*
EBlack *skw*
9/23/92

OC *W*
RScroggins
10/27/92



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 08 1992

Lake County Health Department
Attn: N. H. Doffin
2293 North Main Street
Crown Point, Indiana 46307

Gentlemen:

I am responding to your September 16, 1991, letter requesting exemption from the annual fee requirements of 10 CFR 171 for License No. 13-16474-03. Your bases for the request are you are a county government agency engaged in a non-profit activity designed for the public safety, health and welfare.

As stated in 10 CFR 171.11(d), the Commission may grant a materials licensee an exemption from the annual fee only if it determines that the annual fee is not based on a fair and equitable allocation of the NRC costs. The following factors must be fulfilled as determined by the Commission for an exemption to be granted:

- 1) There are data specifically indicating that the assessment of the annual fee will result in a significantly disproportionate allocation of costs to the licensee, or class of licensees;
- 2) There is clear and convincing evidence that the budgeted generic costs attributable to the class of licensees are neither directly or indirectly related to the specific class of licensee nor explicitly allocated to the licensee by Commission policy decision; and
- 3) Any other relevant matter that the licensee believes shows that the annual fee was not based on a fair and equitable allocation of NRC costs.

Based on a review of the information you submitted, your request is denied.

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the Commission recover 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, for Fiscal Years 1991 through 1995 by assessing license and annual fees. To implement this law, proposed regulations were published in the Federal Register on April 12, 1991. The Commission sent copies of the proposed revisions directly to licensees specifically requesting comments.

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The comment period ended May 13, 1991, and the Commission has reviewed the over 400 comments received through May 17, 1991. Based on careful evaluation of these comments, the Commission changed the proposed rule, and published a final rule on July 10, 1991. To meet the requirement of the Public Law to recover 100% of NRC's budget authority, the Commission eliminated the previous exemption provision for State and local governments. State and local, as well as Federal government agencies, are subject to the newly established annual fees in Part 171 since the NRC is recovering the cost attributable to a class of licensees from that class.

Entities such as the Lake County Health Center that are supported by a small governmental jurisdiction may also qualify for small entity status. A small governmental jurisdiction is defined by the Regulatory Flexibility Act as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

As stated in §171.16 (c)(iii) of the enclosed Federal Register, notice (56 FR 57587) Lake County would qualify as a small entity if its population is less than 50,000. If Lake County qualifies under this size standard, please send certification attesting to that fact with the appropriate payment.

In any event, the annual fee under Invoice AM05323-91 remains due and payable.

Sincerely,

Original Signed By:
James M. Taylor

James M. Taylor
Executive Director
for Operations

Enclosure:
November 13, 1991 Federal Register notice

Distribution:

License File 13-1647403

10 CFR Exemption File FY 1991

Invoice File AM05323-91

DDANDOIS

GJACKSON

EBLACK

JFUNCHES

JHOLLOWAY

OC-91-430

OC R/F

DAF R/F

EDO

LFDCB R/F (2)

| | | | | | |
|---------|----------|----------|----------|---------|----------|
| OFFICE: | LFDCB | LFDCB | DAF | DAF | OC |
| NAME: | DDANDOIS | GJACKSON | EBLACK | LHILLER | JFUNCHES |
| DATE: | 11/6/91 | 12/18/91 | 12/18/91 | 11/1/91 | 12/23/91 |

| | | | | |
|---------|-----------|----------|--------------|----------|
| OFFICE: | OC | OC | OC | EDO |
| NAME: | JHOLLOWAY | RSMTTH | HMSCHROGGINS | JMTAYLOR |
| DATE: | 1/7/91 | 12/24/91 | 12/26/91 | 12/30/91 |

NLC

29/B:Lake

CONVERSATION RECORD

TIME

3:15 P.M.

DATE

8/26/92

TYPE

☐ VISIT☐ CONFERENCE☒ TELEPHONE☐ INCOMING☒ OUTGOING

ROUTING

NAME/SYMBOL INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Mike Kravnik

ORGANIZATION (Office, dept., bureau, etc.)

Lake County Health

TELEPHONE NO.

249-755-3676

SUBJECT

Re: Invoice for '91

SUMMARY

1) They are not using the Model 65.

2) It is in storage

3) They are trying to dispose of it.

4) Key expense recitation. Because they are non-profit health facility, they cannot be sued for debt collection.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

Sandra Lamy

DATE

8/26/92

ACTION TAKEN

SIGNATURE

TITLE

DATE