



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF THE NATIONAL OMBUDSMAN

DEC 19 2014

The Honorable Allison Macfarlane
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Macfarlane:

The Office of the National Ombudsman received a comment from Mr. Kevin Chartier, President, Inter-Mountain Laboratories, Inc., regarding a Nuclear Regulatory Commission (NRC) license fee.

Mr. Chartier's company is licensed by the NRC for the storage and handling of radioactive materials. According to Mr. Chartier, NRC's standard for small entities is inequitable and lower than the U.S. Small Business Administration size standard for a company in his North American Industry Classification System code. Therefore, his company with 65 employees does not qualify for small entity status and is charged the same license fee as a large entity with hundreds of employees. His waiver request was granted in 2013 but denied in 2014.

I recognize the importance of this matter to Mr. Chartier. Therefore, I am referring it to you for review and a response. I have enclosed Mr. Chartier's correspondence regarding this matter. Mr. Chartier has advised that he has already received an overdue notice for his license renewal fee; therefore, I request an expedited response to my office regarding this issue within ten (10) days of receipt of this letter.

Thank you for your attention to this matter. If you have any questions or concerns, please contact Cynthia Pope, Case Management Specialist by telephone at (202) 205-2417 or e-mail at ombudsman@sba.gov.

Sincerely,

Brian Castro
National Ombudsman and
Assistant Administrator for Regulatory Enforcement Fairness

encl.

BC/cdp



Federal Agency Comment Form

Small Business Administration – Office of the National Ombudsman

Purpose: Small business owners may use this form to submit comments on Federal enforcement/compliance actions that they consider excessive or unfair. The National Ombudsman will use the information when it contacts the applicable Federal Agency for a review of action.

OMB Control #3245-0313

Exp. date 6/30/2016

Case #: 1412030002

Instructions

1. Complete, sign and date this form. (Signature not required if completed at www.sba.gov/ombudsman).
2. Provide a brief written statement on the reverse side regarding the specific enforcement or compliance action taken against your organization by the federal agency.
3. Submit copies of substantiating documentation, such as correspondence, citation, or notice (Note: Can be submitted separately from this form by fax or mail. Make sure to reference your name or company's name with this information).
4. If your comments concern the IRS, you must also submit a completed IRS Tax Information Authorization Form 8821, available at <http://www.irs.gov/forms> (Can be sent by fax or mail).
5. Fax, e-mail or send this form and requested information to: (1) Fax: (202) 481-5719; (2) E-mail: Ombudsman@sba.gov; (3) Address: SBA, Office of the National Ombudsman, 409 Third Street, SW, Washington, DC 20024. Telephone : (202) 205-2417.

Please Print

Organization/Company Name: Inter-Mountain Laboratories, Inc.

Address: 555 Absaraka Street

City: SHERIDAN State: WY Zip: 82801

Phone: 307-674-7506 Fax : _____ E-mail: kchartier@imlinc.com

Contact Name: Mr. ☒ Ms. ☐ Kevin Chartier Title: President

Please indicate your organization type:

☒ Small Business _____ Not-for-Profit, Representing _____ Members
_____ Small Government (population of less than 50,000) _____ Association, Representing _____ Members

List the federal agency with which you are having a problem:

Federal Agency Name: Nuclear Regulatory Commission

Agency Contact person: _____

Agency Office/Division: customer service

☒ Did the federal agency listed above inform you of your right to contact the SBA Office of the National Ombudsman?

☐ Yes

☒ No

If not, how did you learn about this office?

Regional Advocate _____

Confidentiality / Disclosure

The Small Business Regulatory Enforcement Fairness Act (SBREFA), allows you to keep your identity and other information private, and limit its access only to the SBA (See 15 U.S.C. 657 (b) (2) (B)). However, by requesting confidentiality the federal agency may not have sufficient information to investigate your specific problem, possibly delaying or preventing any potential resolution of your situation.

I request that my information be kept confidential. ☐ Yes ☒ No (If yes, results may be limited.)

Signature: Kevin L. Chartier Date: 12/03/2014

Your signature authorizes the SBA Ombudsman to proceed on your behalf.

Pursue all legal options you believe are in your company's best interest.

This process is not a substitute for legal action.

SBA FORM 1993 (3-10) Previous Editions Obsolete

Please Note: The estimated burden for completing this form is 45 minutes. You are not required to respond to this information collection if a valid OMB approval number is not displayed. If you have any questions or comments concerning this estimate or other aspects of this information collection, please contact the U.S. Small Business Administration, Chief, Administrative Information Branch, Washington, D.C. 20416 and/or Office of Management and Budget, Clearance Officer, Paperwork Reduction Project (3245-0313), Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB, as this will delay action on your request for assistance.

Type or (print) your comments below:

My company holds an NRC license for the storage and handling of radioactive materials. The annual license fee for a small entity is \$5,500, compared to \$26,500 for a large entity. For for-profit, non-manufacturing companies, the NRC uses a standard of \$7.0 million gross sales over the last three fiscal years. The SBA standard for our company, NAICS code 541380 - testing lab, is \$14.0 million. At renewal in 2013, IML's first time renewing after exceeding their standard, NRC waived the higher fee. However, a waiver was denied for the 2014 renewal.

The NRC's standard is very inequitable. Their standard for manufacturing companies, such as the mining industry that we serve, is 500 employees, while our 65 employee company does not qualify for small entity status.

The NRC's standard is also arbitrary as it is half of the SBA's standard.

NRCExecSec Resource

From: cynthia.pope@sba.gov
Sent: Friday, December 19, 2014 4:17 PM
To: NRCExecSec Resource
Cc: cynthia.pope@sba.gov
Subject: Comment from Inter-Mountain Laboratories, Inc.
Attachments: 12-19-14 NRC - Inter Mountain Laboraties Inc.pdf

Hard copy to follow by mail.