

# United States Senate

WASHINGTON, DC 20510-0802

December 22, 1992

Mr. Dennis K. Rathbun  
Director  
Office of Congressional Affairs  
Nuclear Regulatory Commission  
Washington, DC 20555

Re: Special Investigations Section  
Delaware State Police  
c/o Troop #9  
414 Main Street  
PO Box 627  
Odessa, Delaware 19730-0627

Dear Mr. Rathbun:

I am writing on behalf of Captain Raymond W. Hancock of the Delaware State Police, a constituent who has contacted my office for assistance in resolving a problem with the Nuclear Regulatory Commission. A memorandum from Captain Hancock and documents related to his petition are enclosed.

According to Captain Hancock, the Delaware State Police purchased a nuclear densitometer for \$5,000 in order to search for concealed contraband; namely illegal drugs. The Delaware State Police use the device to scan the vehicles of suspected drug traffickers stopped along Interstate 95.

Captain Hancock informs my staff that representatives of the Nuclear Regulatory Commission visited the Delaware State Police Special Investigations Division on August 17, 1992, to inspect the device. Later, on October 27, 1992, the Delaware State Police received a inspection fee invoice from the Nuclear Regulatory Commission in the amount of \$1,200.

The \$1,200 inspection fee seems excessive to the Delaware State Police. The Delaware State Police note that the inspection itself did not apparently require much more than a cursory look at the device. In the estimation of the Delaware State Police, the \$1,200 inspection fee cannot be correct and they have contacted me for assistance in determining whether a mistake has been made.

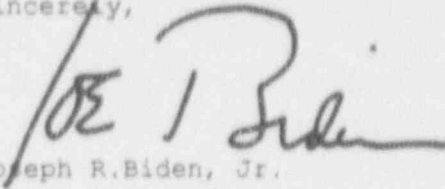
I ask, therefore, that you review the petition submitted by the Delaware State Police in an effort to determine whether the \$1,200 inspection fee is correct. You may forward your response through Rob

9302170055 930122  
PDR PR  
170 57FR18095 PDR

Mr. David K. Rathbun  
December 22, 1992  
Page Two

Skomorucha of my Wilmington staff at 844 King Street, Wilmington,  
Delaware, 19801. Thank you for your attention to this inquiry.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Biden", written over the typed name.

Joseph R. Biden, Jr.  
United States Senator

JRB/rjs  
Enclosure

MEMORANDUM FROM CAPT. R. HANCOCK  
PAGE # 1

DELAWARE STATE POLICE  
SPECIAL INVESTIGATIONS SECTION

C/O TROOP # 9  
414 MAIN STREET  
P. O. BOX 627  
DESSA, DE 19730-0627  
PHONE: 302 378 6157 FAX: 302 378 5376

110692

MEMORANDUM

TO: MR. ROZ SKOMORUCHA FAX: 573 6351  
FROM: CAPT. RAYMOND W. HANCOCK *[Signature]*  
SUBJ: INVOICE FROM NRC

THIS FAX MESSAGE INCLUDING THIS COVER SHEET CONSISTS OF

SIX

PAGES

ATTACHED, PLEASE FIND PAPERWORK ASSOCIATED WITH MY CALL OF  
THIS MORNING.

THIS AGENCY PURCHASED A NUCLEAR DENSITOMETER FOR \$5,000.  
THIS DEVICE IS USED TO SEARCH FOR CONCEALED CONTRABAND. OUR  
PRIMARY USE IS ON THE INTERSTATE HIGHWAY IN PURSUIT OF  
INTERSTATE DRUG TRAFFICKERS.

IF WE WILL RECEIVE AN ANNUAL BILL OF \$1,200 FOR AN INSPECTION  
OF ONE HOUR, WE WILL HAVE TO RETURN THE UNIT TO THE  
MANUFACTURER.

DOC:NRCBILL

P.S. SINCE "NONPROFIT EDUCATIONAL INSTITUTIONS" ARE EXEMPT,  
WE ARE WILLING TO REGISTER THIS EQUIPMENT IN THE NAME OF THE  
THE DELAWARE STATE POLICE TRAINING ACADEMY.

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

Invoice Date

10/22/92

Invoice Number

MR0125-93

Attention: COLONEL CLIFFORD M. GRAVIET

DELAWARE STATE POLICE  
P.O. BOX 430  
DOVER, DE 19903

License Number	Date of Inspection	Lic. Fee Category	Code	Amount Due
07-28601-01	08/17/92	3P	INS-R	\$ 1200.00
TOTAL FEE THIS BILLING				\$ 1200.00

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

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

Questions? Call Ms. Marnella Rodriguez at 301/492-4200

RECEIVED  
OCT 27 1992  
DELAWARE STATE POLICE

Response. As discussed in the evaluation of legal issues, the Commission must assess these costs but can decide whether to assess them to nonprofit educational licensees or to other licensees. The Commission believes that educational research provides an important benefit to the nuclear industry and the public at large and should not be discouraged. These nonprofit institutions have a limited ability to pass these costs on to others. Because the public comments do not provide a persuasive reason to change the proposed rule, the Commission will continue the exemption in § 170.11(a)(4) for nonprofit educational institutions and allocate these costs to operating power reactors.

2. Assessment of fees for standardized reactor design reviews.

Comment. Although the Commission did not propose changing its current policy of deferring payment of fees associated with standardized reactor design reviews, the Commission requested public comments on this issue. Numerous comments were received. The vendors who submit the designs for NRC review, NUMARC, and utilities endorsing NUMARC's comments, support the present policy of deferring the costs until the design is referenced in a license application or, if not referenced, the total accrued costs would be paid in full within a maximum of 15 years. They

Mississippi Power and Light Co. v. NRC, 601 F.2d 223,230 (5th Cir. 1979), cert. denied 444 U.S. 1102 (1980); see also Phillips Petroleum Co. v. FERC, 786 F.2d 370,376 (10th Cir. 1986) (upholding full cost fees, under IOAA, by FERC on licensees despite benefits to the general public). Therefore, following Congressional guidance that each licensee or applicant pay the full costs to NRC of all identifiable regulatory services received, the Commission has removed the \$50,000 ceiling.

Seventh, the NRC has changed its policy for exempting certain classes of licensees from fees by revoking the exemption provisions in § 170.11(a)(1), (2), (8), (9) and (11). Specifically, the Commission has established license fees for export and import license applications previously exempted from fees under § 170.11(a)(1) and (2). Fees are established in Part 170 for the export or import licensing of a production or utilization facility, and for export or import licensing of byproduct material, source material, or special nuclear material, including heavy water, tritium and reactor grade graphite. Based on the public comments received (see Section III of this final rule), the Commission has established flat fees for both export and import licensees. This is a change from the proposed rule, where the fees were to be based on recovering the professional staff hours and contractual services costs expended for the review. The flat export and import license fees would range from \$580 to \$7,000, depending on the type of material or equipment



## U.S. NUCLEAR REGULATORY COMMISSION

## LICENSEE, 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).

**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) 1061 (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. §3717, and will accrue from the invoice date at the annual rate of 6%. 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 90 days at the annual rate of 6%. This charge will be calculated on or after the 91st 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.

## 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  
DIVISION OF ACCOUNTING AND FINANCE  
OFFICE OF THE CONTROLLER  
U. S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON DC 20555

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

**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(s).

**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 15.51, "Disputed Debts."

**CONTACTS:** Questions relating to the assessment of fees, and/or correctness of the address, call (301) 482-7225 or direct correspondence to:

LICENSE FEE AND DEBT COLLECTION BRANCH  
DIVISION OF ACCOUNTING AND FINANCE  
OFFICE OF THE CONTROLLER  
U. S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON DC 20555

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 existence 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 contention.

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)

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

E. 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 8A 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 2.

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, 1988, changes will affect our ability to receive funds through Federal Reserve Deposits 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:

(1)	021030004	(2)	
(3)		(4)	
(5)		(6)	
(7)	TREAS NYC/CTR	(8)	
(9)	BNF=/AC-31000001 OBI=	(10)	

### Field Content

- RECEIVER-OFI** - The Treasury Department's ABA number for deposit messages is 021030004.
- TYPE-SUBTYPE-CD** - The type and subtype code will be provided by the sending bank.
- SENDER-OFI** - This number will be provided by the sending bank.
- SENDER-REF#** - The sixteen-character reference number is inserted by the sending bank at its option.
- AMOUNT** - The transfer amount must be punctuated with commas and decimal point; use of the "\$" is optional. This item will be provided by the depositor.
- SENDER-OF NAME** - This information is automatically inserted by the Federal Reserve Bank.
- RECEIVER-OF NAME** - The Treasury Department's name for deposit messages is "TREAS NYC." This name should be entered by the sending bank.

### Field Content

- PRODUCT CODE** - A product code of "CTR" for customer transfer should be the first data in the RECEIVER-TEXT field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.
- 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 a line and end on the next line; however, the field tag "BNF=" must be on one line and cannot contain any spaces. NRC's 5-5 ALC is:  
  
BNF=/AC-31000001
- THIRD-PARTY INFORMATION** - The Originator to Beneficiary information field tag "OBI=" 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 number, description of fee - 10 CFR 171 annual fee, and name.

The optimum format for fields 7, 8, 9, and 10 would be:  
ALC is as follows:

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

The optimum format shown above, will allow 218 character positions of information following the "OBI=" indicator.

If the licensee's bank is not a member of the Federal Reserve System, a non-member bank must transfer the necessary information and if 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 received 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 received the next working day.

If there are any questions, contact:

LICENSE FEE AND DEBT COLLECTION BRANCH  
U. S. NUCLEAR REGULATORY COMMISSION  
TELEPHONE: (301) 462-7220



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

E. 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, 1988, 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:

```

(1)
021000004 (2)
(3) (4) (5)
(6) /
(7) (8)
TREAS NYC/CTR /
(9)
BNF=/AC-31000001 OBI=
(10)

```

**Field Content**

- (1) RECEIVER-OFI# - The Treasury Department's ABA number for deposit messages is 021000004.
- (2) TYPE-SUBTYPE-CD - The type and subtype code will be provided by the sending bank.
- (3) SENDER-OFI# - 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 "\$" 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.

**Field Content**

- (8) PRODUCT CODE - A product code of "CTR" for customer transfer should be the first data in the RECEIVER-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 "OBI=" is used to signify the beginning of the free-form third-party text. All other identifying information to enable the NRC to identify the deposit, e.g., NRC invoice number, description of fee - 10 CFR 171 annual fee, and plant name.

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

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

The optimum format, shown above, will allow 818 character positions of information following the "OBI=" 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 which 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) 483-7225

**LAST PAGE REPEAT**

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To	ROB SKOMOROWICZ	
Co.	DELAWARE	
Dept.	STATE POLICE	
Fax #	378-4157	

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) Ltr to Senator Biden
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) \_\_\_\_\_ SS20 (document name) \_\_\_\_\_  
(b) ☒ Scan (c) \_\_\_\_\_ Attachments  
(d) \_\_\_\_\_ Rekey (e) \_\_\_\_\_ Other \_\_\_\_\_
7. SYSTEM LOG DATES  
(a) 2/12/93 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  
\_\_\_\_\_