

MAR 1 1993

Daybreak Nuclear and Medical Systems, Inc.
ATTN: Victor J. Bortolot, Ph.D.
Technical Director
50 Denison Drive
Guilford, CT 06437

Dear Dr. Bortolot:

This is a follow-up to your December 22, 1992, telephone conversation with Sandra Kimberley of this office, and to our letter dated June 12, 1992, advising you of the additional fees required for License 06-17253-01.

In your December 22, 1992, telephone conversation with Ms. Kimberley you again stated that you use the licensed equipment for irradiation purposes and therefore should be subject to fee Category 3E, not 3P. You also indicated that your historical records show that NRC owes you money. Following your telephone call, we again discussed your license with the Region I Licensing staff. They have confirmed that License 06-17253-01 correctly authorizes the use of sealed sources in devices for the measurement of materials and that the license does not authorize the irradiation of materials. Therefore, as stated in our June 12, 1992, letter, License 06-17253-01 is subject to the fees specified in fee Category 3P of 10 CFR 170.31 and 10 CFR 171.16.

Our review of the payment history shows that all overpayments of license fees were previously refunded, and that no overpayments of inspection fees occurred. Therefore, you are not due any additional refunds of these past fees. For your convenience, the fee payment information is summarized below. Please note that the activities currently covered by fee Category 3P were covered by fee Category 3L prior to June 20, 1984, when the regulations in 10 CFR 170 were revised to include additional fee categories.

License Fees

Amendment Number	Date of Application	Fee Category	Fee Amount	Amount Paid	Amount Refunded
03	12/24/86	3P	\$120	\$170	\$50
02	12/23/81	3L	\$110	\$150	\$40
01	10/7/77	3L	(Amendment fees not required prior to 3/78)		
New License	10/14/76	3L	\$ 50	\$ 50	-0-

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Inspection Fees

Date of Inspection	Invoice Number	Invoice Amount	Amount Paid
9/8/86	MA0699-87	\$530	\$530
6/28/78	MX0203-79	\$390	\$390

In our June 12, 1992, letter, we advised you that an additional fee of \$20 is required for your March 20, 1992, application for renewal. However, your March 20, 1992, application referenced the addition of a new source. We have been advised by the Licensing staff that if you wish to add this source to your license for your own use, a custom device evaluation for the Model 1100 is necessary, for which an application fee of \$1,700 is required as specified in fee Category 9B of 10 CFR 170.31. This is based on the finding that Daybreak does not plan to make the Model 1100 device commercially available. Please note that if this situation changes, Daybreak will be required to obtain a product registration pursuant to 10 CFR 32.210 and a license amendment authorizing manufacturing/distribution, for which application fees of \$3,500 and \$3,600 as specified in fee Categories 9A and 3B of CFR 170.31 will be required.

The additional \$20 fee requested in our June 12, 1992, letter to process your renewal application has not been received as of this date. Please remit the \$20 within 15 days from the date of this letter, otherwise your renewal request will be considered abandoned, resulting in expiration of your license. In addition, if you wish to pursue your request for the addition of the Model 1100, the \$1,700 application fee specified above should also be remitted with the additional \$20 renewal fee. Additionally, the outstanding balance for your FY-1991 annual fee Invoice No. AM01173-91 through March 1, 1993, is \$431.53. We acknowledge your payment of \$400 for Invoice No. AM01046-92.

Payment of fees specified above should be made payable to the U.S. Nuclear Regulatory Commission and mailed to the attention of Sandra Kimberley, License Fee and Debt Collection Branch, OC/DAF, Mail Stop MNBB 4503, Washington, DC 20555.

Sincerely,



Glenda Jackson
Senior Policy Analyst
License Fee & Debt Collection Branch
Division of Accounting & Finance
Office of the Controller

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DISTRIBUTION:

Materials Annual Fee Correspondence FY 91 - w/incoming

Invoice AM01173-91 w/incoming copy

GJackson w/o incoming

DBDandois w/o incoming

DWeiss w/o incoming

DWhite, RI w/o incoming

SBaggett, NMSS, w/o incoming

SKimberley w/o incoming

LFDCB R/F (2)

DAF R/F

Invoice AM01046-92 w/o incoming

Pending Fee File

LTremper

OFFICE :	OC/LFDCB <i>he</i>	OC/LFDCB <i>g</i>	OC/LFDCB <i>W</i>	OC/LFDCB <i>W</i>
SURNAME:	SKimberley	GJackson	DWeiss	DBDandois
DATE :	2/22/93	2/23/93	2/27/93	2/25/93

Disk:Bortolot.memo