

June 23, 2003

Ocean Radiology Oncology
a.k.a.: Associates in Tumor Therapy, LLC
ATTN: Richard R. Jacobs, M.D.
P.O. Box 1032
Oakhurst, NJ 07755

Dear Dr. Jacobs:

I am responding to your May 12, 2003, letter regarding the annual fee assessed for License 29-30518-01, Invoice AM2952-03, and Asset Purchase Agreement dated March 28, 2003. In your letter you state the facility ceased operations on March 28, 2003, and that the practice was closed and sold to Center State Management on behalf of Kimball Medical Center, 600 River Avenue, Lakewood, New Jersey. However, the closure of this facility does not terminate your NRC license. The license must be officially terminated by NRC's Region I office. You further state that you were informed by the NRC to write a letter notifying the agency of your license termination. However, the NRC has no record of receiving a license termination request from you. Additionally, you state at no time were you informed that the timing of the license termination request would have ramifications as to the annual fee owed. Information regarding the time period requirements that a licensee must meet in order to receive a prorated invoice is available at NRC's web site (NRC.gov), or by contacting NRC's fees department. Therefore, for the reasons stated below, your annual fee is due in full.

As provided in 10 CFR 171.17, annual fees are prorated fifty-percent for license termination requests filed during the period October 1 to March 31 of each fiscal year. The full annual fee is due for license termination requests filed during the time period of April 1 to September 30. Your May 12, 2003, letter will be considered as your official termination request, whereby your annual fee is due in its entirety. Please refer to 10 CFR Part 171.17 (FY 2002), which is enclosed for your information.

When a NRC licensee sells its assets to another NRC licensee, one license is terminated and the other is amended. Both license actions are completed concurrently. However, Kimball Medical Center, License 29-14017-01, has not requested an amendment to its license. We received your payment in the amount of \$1,150 and the small entity status was found to be proper. Therefore, payment of the outstanding balance in the amount of \$1,150 is due.

If you have any questions regarding license termination, please contact Dr. Sattar Lodhi in NRC's Region I office at 610-337-5364. If you have any questions regarding the annual fee, please contact Brenda Brown at 301-415-6055.

Sincerely,

/RA/

Robert D. Carlson, Chief
License Fee Team
Division of Financial Management
Office of the Chief Financial Officer

Enclosure: 10 CFR Part 171 (FY 2002)

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Dr. Sattar Lodhi, RI

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