

G. Jackson

OCT 30 1978

Albert Einstein Medical Center
Northern Division
ATTN: Dr. Martin H. Goldsmith
Vice President and General Director
York and Tabor Roads
Philadelphia, Pennsylvania 19141

Gentlemen:

This refers to your letter dated September 25, 1978, which requested an exemption from payment of license fees, pursuant to Section 170.11(a)(4) of the Commission's fee schedule, copy enclosed.

Section 170.11(a)(4) of Part 170 grants an exemption from fees for licenses issued to nonprofit educational institutions when the materials are used for teaching, training, or medical purposes. This exemption is not applicable to medical institutions, including those medical institutions which are nonprofit and have teaching and training programs involving the use of radioisotopes. Also, the exemption in §170.11(a)(4) is not intended to apply to any institution which uses radioisotopes for the treatment of humans.

Presently, three of the six NRC licenses held by your institution are not subject to the fees prescribed in Part 170. License SUB-582 is exempt from fees, pursuant to Section 170.11(a)(3), because it authorizes the use of uranium as shielding. Since you are the holder of a broad medical license (37-00448-19), we have waived fees for Licenses SW-1771 and 37-00448-20 which authorize the possession and use of radioisotopes in the implantation of pacemakers.

Licenses 37-00448-06, -17, and -19, however, which permit the use of radioisotopes in a broad medical program, an irradiator for laboratory experiments, and in a teletherapy unit, respectively, are not exempt from the Commission's fee schedule. The Commission has not previously

Albert Einstein Medical Center

- 2 -

granted an exemption from fees for licenses issued to medical institutions who use byproduct material for laboratory experiments and human use. Since other medical institutions holding similar licenses pay fees in accordance with Part 170, we believe it would not be in the public's interest to grant an exemption from fees for Licenses 37-00448-06, -17, and -19.

If you have further questions concerning this matter, please let us know.

Sincerely,

Original Signed by

Wm. O. Miller

William O. Miller, Chief
License Fee Management Branch
Office of Administration

Enclosure:
10 CFR 170

DISTRIBUTION:

License File (6)
Fee Exemption 5-3
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