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MAR 5 1986

MEMORANDUM FOR: Robert Fonner, Deputy Director, Regulatory Division
Office of the Executive Legal Director

FROM: C. James Holloway, Jr., Acting Director
License Fee Management Staff, ADM

SUBJECT: REQUEST FOR EXEMPTION FROM FEES, MARINE BIOLOGICAL LABORATORY

Enclosed are copies of letters dated October 2, 1985, and December 24, 1985, from Andrew H. Mattox, the Radiation Safety Officer for Marine Biological Laboratory, requesting that Materials License 20-00595-02 and -06 be exempted from license fees pursuant to §170.11(a)(4) of 10 CFR 170.

Mr. Mattox states that the Marine Biological Laboratory is incorporated in Massachusetts as a non-profit educational and research institution and is recognized by the Internal Revenue Service as a non-profit educational organization. While the information submitted by Mr. Mattox outlining the use of radioactive material indicates that some of the research is conducted for educational purposes, it is not clear if the research activities that are not for teaching or training but "have great potential benefits to human health..." fit within the intended exemption in §170.11(a)(4).

We would appreciate your interpretation of §170.11(a)(4) as it pertains to this request for an exemption for research programs that are not for teaching or training but are considered by the Laboratory to meet the criteria for the exemption since they are for "medical purposes." As evidenced by our previous correspondence to other educational institutions, copies enclosed, our policy has been that 170.11(a)(4) applies only when the activities authorized, including medical research, are for teaching or training of students.

We have reviewed previous applications filed by the Marine Biological Laboratory for the subject licenses and find no earlier reference to teaching or training, or medical purposes, and all applicable fees have been paid in the past (see attached summary). If it is determined that the exemption is appropriate for these licenses, would it be necessary to refund the fees paid previously, other than the \$700 renewal fee currently in question?

Signed: C. James Holloway, Jr.
C. James Holloway, Jr., Acting Director
License Fee Management Staff
Office of Administration

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Enclosures:
As stated

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