

MAR 8 1990

*Policy*

MEMO FOR: Files

FROM: Glenda Jackson, Chief  
Materials License Fee Section  
License Fee and Debt Collection Branch  
Division of Accounting and Finance, OC

SUBJECT: APPLICABILITY OF §170.11(a)(9)

OC/DAF R/F  
LFDCB R/F (2)  
DW/GJ/files

In a January 15, 1990, letter, Boone Hospital Center, holder of Materials Licenses 24-01565-01 and 24-01565-02, stated that the Hospital is leased by Christian Health Services but is owned and "controlled" by Boone County. In a February 21, 1990, telephone conversation, the Vice President of the Hospital clarified that Christian Health Services oversees day-to-day operations only and the County Commissioners make all decisions affecting the Hospital.

Based on the above, I contacted Bob Fonner, OGC, to determine the applicability of the exemption provision of §170.11(a)(9) in this case. Mr. Fonner said that the exemption would apply in such cases only if the following criteria are met:

1. The governmental entity (the Hospital in this case) is the licensee and therefore legally responsible for the use of nuclear materials and the public health and safety; and
2. The governmental entity (the Hospital) is operated on a non-profit basis, with the leasee being paid a fee to act as an administrator only.

The Hospital's Vice President confirmed that the Hospital is not-for-profit, the leasee is paid to act as administrator only and all actions must receive County approval. Accordingly, the exemption in §170.11(a)(9) applies to License Numbers 24-01565-01 and 24-01565-02, and the above criteria will be used to determine the applicability of §170.11(a)(9) to similar licenses.

Signed by:  
Glenda Jackson

Glenda Jackson, Chief  
Materials License Fee Section  
License Fee and Debt Collection Branch  
Division of Accounting and Finance  
Office of the Controller

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9010120151 900605  
REG3 LIC30  
24-25B16-01 PNU

VOID SHEET

TO: License Fee Management Branch  
FROM: John O. Jones  
SUBJECT: VOIDED APPLICATION

Control Number: 90103  
Applicant: Truman Medical CTR.  
Date Voided: September 11, 1990  
Reason for Void: Licensee does not

need the amendment. Material in question  
is being taken care of by another licensee  
who was responsible for the material in the  
1st place.

John O. Jones Sept 11, 1990  
Signature Date

Attachment:  
Official Record Copy of  
Voided Action

FOR LFMB USE ONLY

Final Review of VOID Completed:

- Refund Authorized and processed
- No Refund Due
- Fee Exempt or Fee Not Required

Comments: \_\_\_\_\_  
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Log completed   
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