



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 9, 1994

Dr. Felix E. Schletter
Dr. Jerrold M. Stock
Dr. Keith B. Usiskin
Endocrinology-Internal Medicine
101 Madison Avenue
Morristown, New Jersey 07960

Gentlemen:

I am responding to the correspondence from Dr. Jerrold M. Stock, Radiation Safety Officer, dated December 10, 1993, requesting an extension of time to terminate License No. 29-17252-01 for purposes of avoiding the FY 1993 annual fee (Invoice No. AM01838-93). I am also responding to your letter of December 20, 1992, concerning the FY 1992 annual fee (Invoice No. AM01479-92), and your letter of November 8, 1993, concerning the Final Notice you received for the FY 1993 annual fee. Your latest letter of December 10, 1993, requests an extension of time to terminate your license for purposes of avoiding the FY 1993 annual fee.

Footnote 1 of 10 CFR 171.16 provides that the annual fee is waived where a license is terminated prior to October 1 of each fiscal year. The NRC has exempted from the FY 1993 annual fee those licensees, and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage only licenses prior to October 1, 1992, and were capable of permanently ceasing licensed activities entirely by September 30, 1992. An amendment request filed after October 1 of each fiscal year to cancel a license does not cancel the annual fee invoice.

The bases for your requests are: (1) the last date the licensed material was used was September 18, 1992, when you treated a patient with I-131; (2) you began termination proceedings prior to October 1, 1992; (3) there was a delay due to arranging disposal of the Cesium source which you had used to calibrate the dose; (4) there was a delay in finding a vendor to supply you with a New Jersey State regulated Cobalt 57 Source; (5) a leak test was done on October 3, 1992; (6) you wrote to the St. Louis address on October 4, 1992, to notify NRC that "Due to the increase in regulatory licensing and inspection fees we are unable to maintain our NRC license. Please refund the payment of \$1,950.00 which was made in August and place our license in an inactive status"; (7) on November 10, 1992, you notified Region I of your decision to drop the license due to the astronomical increase in fees; (8) on December 17, 1992, the Cesium was shipped to CIS-US, Inc; (9) on December 20, 1992, you wrote NRC seeking a refund of the FY 1992 annual fee and stating you were unaware a few days delay caused you to be charged for FY 1993 as well; and (10) your license was subsequently terminated on March 9, 1993, based on your November 10, 1992, letter.

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PDR ADOCK 03012431
C PDR

Based on the information furnished, the Commission (1) grants an extension to the time to file for termination to November 10, 1992, for purposes of avoiding the FY 1993 annual fee; (2) acknowledges licensed activities ceased prior to October 1, 1992; (3) acknowledges your license was terminated March 9, 1993, based on your November 10, 1992, request; (4) notes you were issued a refund of the \$150 overpayment for the FY 1992 annual fee invoice since you filed a small entity certificate; and (5) has determined that since you possessed and used radioactive material in FY 1992, no other refunds are due for the FY 1992 annual fee invoice.

Your FY 1993 annual fee Invoice No. AM01838-93 has been cancelled.

Sincerely,

Original signed by
James M. Taylor

James M. Taylor
Executive Director
for Operations

DISTRIBUTION:

- 10 CFR 171 Exemption File FY 1993 (w/orig. inc.)
- License File No. 29-17252-01 (w/cy of inc.)
- Materials Annual Fee Correspondence File (w/cy of inc.)
- Invoice File AM01838-93 (w/cy of inc.)
- NUDOCS (ML61) (w/cy of inc.)

PDR

GJackson

DDandois

EBlack

DWeiss

LTremper

JHolloway (w/cy of inc.)

GFehst, OGC

EDO

LFDCB R/F (2)

DAF R/F

OC R/F

OC-93-527

LF-92-1102, LF-92-1193 & LF-92-258

LFDCB

DDandois

2/1/94

LFDCB

DWeiss

2/1/94

LFDCB pt

LTremper

2/1/94

LFDCB

GJackson

2/1/94

DAF

EBlack

2/2/94

DAF

LHiller

1/94

OC

JFunches

2/4/94

OC

RScroggins

1/14/94

OGC

T Rothschild

1/18/94

EDO

J Taylor

2/9/94

PAW: \STOCK.LTR

Continued
see on 1/21/94
w/updates
edits

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- PK
- GJackson
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- LF-92-1102, LF-92-1193 & LF-92-258

LFDCB DDandois 2/2/94	LFDCB DWeiss 2/1/94	LFDCB pt LTremper 2/1/94	LFDCB GJackson 2/1/94	DAF EBlack 2/2/94
DAF LHiller 1/94	OC JFunches 2/1/94	OC RScroggins 1/14/94	OGC TRothschild 1/15/94	EDO JTaylor 2/19/94

PAW:\STOCK.LTR

Continued 1/21/94
LHiller
edits.



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