

OCT 28 1992

Whitehead Institute  
ATTN: John Pratt  
Associate Director  
Nine Cambridge Center  
Cambridge, MA 02142-1479

Gentlemen:

I am responding to your letters dated August 6, 1991, August 25, 1992, and September 30, 1992, concerning NRC annual fees for License Nos. 20-20706-01 and 20-20706-02. You requested that Whitehead Institute be considered for fee purposes as a non-profit educational institution and thus be exempt from fees under 10 CFR Part 170.11. In support of your request, you submitted a letter from the Internal Revenue Service stating that Whitehead Institute is a non-profit institution.

On July 23, 1992, the NRC in its FY 1992 fee regulation added a definition of non-profit educational institutions to clarify and more specifically identify those licensees that are exempt from payment of the license and annual fees under §§170.11(a)(4) and 171.11(a). This clarification was added based on the public comments received by the NRC relating to the revised fee regulations. The NRC in §§170.3 and 171.5 of its regulations has defined the term "non-profit educational institution" as a public or non-profit educational institution whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

We have reviewed the information which you have submitted in support of your request. We fail to find the Whitehead Institute in the Directory of Postsecondary Institutions published by the U.S. Department of Education. In addition, we are not aware that the Whitehead Institute is legally authorized to provide an educational program which is accredited by a nationally recognized accrediting agency or association or that Whitehead Institute is authorized to award degrees. Therefore, based on the above, the Whitehead Institute does not meet the definition

04004

9211060148 921028  
NMSS LIC30  
20-20706-01 PDR

MLG1

DISTRIBUTION:

10 CFR 171 Exemption File FY 1992 (w/copy inc.)

10 CFR 171 Exemption File FY 1992 (w/orig. inc.)

License File 20-20706-01; 20-20706-02 (w/copy inc.)

Materials Annual Fee Correspondence File (w/copy inc.)

Invoice File AM00669-92; AM00670-92 (w/copy inc.) Am00742-91, Am00743-91

NUDOCS (ML61) (w/copy inc.)

PDR

GJackson

DDandois

EBlack

DWeiss

JHolloway (w/copy inc.)

GFehst

EDO

OC-92-405

DAF R/F

LFDCB R/F (2)

LTrempier (add this name if cancelling invoice and/or issuing refund)

OFFICE: LFDCB:mac  
NAME: GJACKSON  
DATE: 1/1/92

LFDCB  
DDANDOIS  
10/14/92

DAF  
EBLACK  
10/15/92

DAF  
LHILLER  
10/16/92

OFFICE: OC  
NAME: JHOLLOWAY  
DATE: 10/23/92

OC  
JFUNCHES  
10/26/92

OC  
TROTHCHILD  
1/1/92

OFFICE: OC  
NAME: RSCROGGINS  
DATE: 10/17/92

EDO  
JTACLOR  
1/1/92

OCT 23 1992

Whitehead Institute

p.2

of a non-profit educational institution established by the NRC for fee purposes and does not qualify for the exemption. As a result, your request to be classified for fee purposes as a non-profit educational institution is denied.

The NRC has extended the interest waiver period for the FY 1991 and FY 1992 annual fee invoices for License Nos. 20-20706-01 and 20-20706-02 because it was determined that your August 6, 1991, letter appeared to have merit pending further review. As a result, payment of Invoices AM00742-91, AM00743-91, AM00669-92 and AM00670-92 are due 30-days from the date of this letter. If payment is not received within the 30-day period, interest, penalty and administrative charges will be assessed as required by 10 CFR Part 15.

We apologize for any inconvenience our late response may have caused Whitehead Institute. If you have any questions concerning this letter please contact Glenda C. Jackson at 301-492-8740.

Sincerely,

151

Ronald M. Scroggins  
Deputy Chief Financial  
Officer/Controller

