



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 30, 1999

Alpha
Part 170

Indiana University Medical Center
ATTN: Mack L. Richard, M.S., C.H.P., RSO
Clinical Building 159
541 Clinical Drive
Indianapolis, IN 46202-5111

In GLENDA'S
8/30/01 LISSING
5X Exemptions Granted

Dear Mr. Richard:

I am responding to your March 10, 1999, letter requesting an exemption from payment of the Category 4A annual fee as specified in 10 CFR 171.16(d) for Materials License 13-02752-03. You stated that due to the close affiliation between Indiana University Medical Center (IUMC) and the Richard L. Roudebush Veterans Administration Medical Center (VAMC), you are exploring the possibility of incinerating radioactive waste generated by the VAMC. For the reasons set forth below, I am granting your request for exemption.

The bases for your request are: (1) even though separate licenses are maintained, faculty members have joint appointments between IUMC and the VAMC; (2) IUMC is currently licensed by the NRC to process/incinerate its own radioactive and hazardous wastes; (3) IUMC will incinerate only radioactive waste generated under the IUMC and/or the VAMC license and there is no intent to accept radioactive waste from other licensees in the future; and (4) any radioactivity remaining in the incinerator ash which resulted from the VAMC waste will be returned to the VAMC for ultimate disposal.

Materials License 13-02752-03 is currently exempt from fees under 10 CFR 170.11(a)(4) and 10 CFR 171.11(a)(i). These exemptions do not apply to licenses issued to nonprofit educational institutions which authorize remunerated services to other persons. Fees are currently assessed under 10 CFR 170 for processing applications for new licenses and amendments. Holders of such materials licenses are also subject to the annual fees specified in 10 CFR 171.16.

In reviewing the subject request for exemption, however, we find that good cause exists for granting an exemption from the Category 4A application fee specified in 10 CFR 170.31 and the fee Category 4A annual fee specified in 10 CFR 171.16 for License 13-02752-03 as it pertains to the incineration of the VAMC waste materials at the University, in that the IUMC and the VAMC routinely share with each other the use of their facilities and services. As part of this sharing program with the VAMC, you state IUMC will incinerate waste without a profit margin built into the cost for time and materials associated with incinerating the radioactive waste.

M.L. Richard

- 2 -

Based on the information you have provided, pursuant to 10 CFR 170.11(b)(1) and 10 CFR 171.11(b), I am granting an exemption from the 10 CFR 170 and 10 CFR 171 fees for License 13-02752-03 for fee Category 4A as it would otherwise apply to the incineration of waste from the VAMC. This exemption is authorized by law and is otherwise in the public interest. If you have any questions about NRC's fee policy, please contact Glenda Jackson at 301-415-6057.

Sincerely,

Original signed by
Peter J. Rabideau for:

Jesse L. Funches
Chief Financial Officer

Distribution:

D. Weiss, OCFO/DAF/LFARB
L. Tremper, OCFO/DAF/LFARB
G. Jackson, OCFO/DAF/LFARB
License File 19-07538-06 w/cy inc
Invoice File AM1621-99 w/cy inc
NUDOCS (ML-61) w/cy inc
PDR w/cy inc

OCFO/DAF/LFARB RF w/o cy inc
OCFO/DAF RF (DAF-9-065) w/o cy inc
OCFO/DAF SF (LF-3.2.7 & 3.2.8)w/orig inc
LF-99-48 w/o cy inc
DCFO RF
OCFO RF

DOCUMENT NAME: G:\DAF9-065.wpd

(To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy.

OFFICE	OCFO/DAF/LFARB/NMT C	OCFO/DAF/LFARB C	OCFO/DAF N	OCFO/DAF N
NAME	^{PMW} SCRitchfield/DWeiss WJ	DBDandois/GCJackson WJ	TROthschild NO	JTurdici W
DATE	4/21/99 4/21	4/21/99	4/16/99	4/30/99

(To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy.

OFFICE	DCFO N	CFO C
NAME	Rabideau	J. Funches JLF
DATE	4/30/99	4/30/99

OFFICIAL RECORD COPY

4/30 #3
JLF

INDIANA UNIVERSITY
BLOOMINGTON UNIVERSITY
INDIANAPOLIS



March 10, 1999

Ms. Glenda C. Jackson
U.S. Nuclear Regulatory Commission
OCFO/DAF/LFARB - Mail Stop: 9 E10
11545 Rockville Pike
Rockville, MD 20852-2738

1999 MAR 17 AM 9:38

RADIATION
SAFETY OFFICE

Dear Ms. Jackson:

Indiana University Medical Center (IUMC) and the Richard L. Roudebush Veterans Administration Medical Center (VAMC) are located on contiguous properties in the metropolitan area of Indianapolis. Due to the research and medical missions of the respective institutions, a close affiliation exists between IUMC and VAMC. All university faculty members have joint appointments at IUMC and VAMC. In some cases, these faculty members conduct research in laboratory facilities at both locations.

Due to the nature of the two institutions, separate Nuclear Regulatory Commission (NRC) licenses are maintained. I serve as the Radiation Safety Officer (RSO) for IUMC while Mr. Thomas Schumacher serves as the RSO for the VAMC. Even with separate licenses, we attempt to coordinate our radiation safety programs to the extent possible due to the fact that many of the individuals utilizing radioactive materials do so at both locations. Such coordination also makes sense from the manpower and cost standpoint.

Approximately two years ago, IUMC constructed the Environmental Management Facility (EMF) which is utilized for processing both radioactive and hazardous wastes for the IUMC campus. An integral part of the EMF includes an incinerator that has been licensed by the NRC for incineration of radioactive waste.

At the time the incinerator was licensed by the NRC, we explored the possibility of incinerating radioactive waste generated at the VAMC. During a discussion about this with the NRC Region III Office, the subject of fees came up with respect to our incinerating radioactive waste for another licensee. On the recommendation of NRC Region III staff members, I discussed this matter with representatives from your office. While I attempted to explain the close relationship between the respective institutions, I was ultimately told that the NRC would consider our incinerating radioactive waste for the VAMC the same as a commercial facility providing the same service to multiple licensees. Given that conclusion, IUMC would be assessed an annual fee for such facilities which at that time amounted to approximately \$90,000 per year. The current annual fee for such a facility is \$102,000 per year.

Clinical Building 159
541 Clinical Drive
Indianapolis, Indiana
46202-5111

317-274-4797
317-274-2332

The IUMC and VAMC administrations have requested that we again look into the feasibility of IUMC incinerating the radioactive waste generated at the VAMC. We have discussed this idea with representatives from the NRC Region III Office and have come to the conclusion that such an arrangement is safe, practical and manageable due to the close affiliation of IUMC and VAMC.

IU School of Medicine
IU Medical Center &
Associated Facilities

Ms. Glenda C. Jackson

Page 2

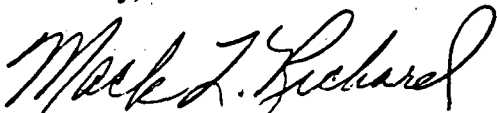
March 10, 1999

Obviously, such an arrangement will require amendments to both licenses. Before we embark on such amendments, we respectfully request that IUMC be considered exempt from the \$102,000 annual fee specified in 10 CFR 171.16(d) - 4.A. Please consider the following information in support of this request:

1. As indicated above, a close affiliation exists between IUMC and VAMC.
2. IUMC will incinerate only radioactive waste generated under the IUMC and/or the VAMC license. There is no intent to accept radioactive waste from other licensees in the future.
3. IUMC will only charge the VAMC for the costs (i.e., time and materials) associated with incinerating the radioactive waste. There will be no profit margin built into those costs.
4. Any radioactivity remaining in the incinerator ash which resulted from the incineration of VAMC radioactive waste will be returned to the VAMC for ultimate disposal.

The ultimate goal of this proposal is to save money for the Department of Veterans Affairs by coordinating resources between our respective institutions. Without this fee exemption, that goal is not attainable. Both Mr. Schumacher and I would be willing to discuss this matter with you should you so desire. If this fee exemption is acceptable to the NRC, we respectfully request some form of written correspondence stating same.

Sincerely,



Mack L. Richard, M.S., C.H.P.
Radiation Safety Officer

Cc: R. Holden, M.D., Dean - Indiana School of Medicine
VAMC Hospital Administration
T. Schumacher, M.S., C.H.P., VAMC RSO
FTS (700) 332-2336 or comm (317) 554-0000 ext. 2336
P. Pelke, NRC Region III