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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'97 FEB -3 P2:31

Before Presiding Officer:
G. Paul Bollwerk, III, Administrative Judge

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Special Assistant:
Jerry R. Kline, Administrative Judge

In the Matter of

UNIVERSITY OF CINCINNATI

(Denial of License Amendment)

Docket No. 30-02764-MLA

ASLBP No. 97-722-01-MLA

February 3, 1997

SERVED FEB 03 1997

MEMORANDUM AND ORDER
(Initial Order)

In this proceeding, licensee University of Cincinnati (University) challenges the December 12, 1996 action of the NRC staff denying the University's January 5, 1996 application for an amendment to its 10 C.F.R. Part 30 byproduct materials license. The requested amendment would allow specified visitors of radiation therapy patients to receive a dose of up to 500 millirem (mrem) total effective dose equivalent (TEDE) per year instead of the current public dose limit of 100 mrem per year provided for in 10 C.F.R. § 20.1301(a)(1). In accordance with my authority under 10 C.F.R. § 2.1209, I set forth the following directives regarding the conduct of this proceeding:

I. Staff Answer to Hearing Request

Any staff answer to the University's December 30, 1996 letter requesting a hearing shall be filed on or before Monday, February 10, 1997.

II. Administrative Matters

A. Notice of Appearance

If they have not already done so, within ten days of the date of this memorandum and order, each counsel or representative for each participant shall file a notice of appearance complying with the requirements of 10 C.F.R. § 2.713(b). In each notice of appearance, in addition to providing a business address and telephone number, if a counsel or representative has a facsimile number and/or an Internet e-mail address, the counsel or representative should provide that information as well.

B. Service on the Presiding Officer and the Special Assistant

For each pleading or other submission filed before the Presiding Officer or the Commission in this proceeding, in addition to submitting an original and two conforming copies to the Office of the Secretary as required by 10 C.F.R. § 2.1203(c) and serving a copy on each participant in accordance with sections 2.701(b) and 2.1203(e), one conforming copy should be served on the Presiding Officer

and the Special Assistant in accordance with the following instructions:

1. Regular Mail

To complete service via United States Postal Service first-class mail, a conforming copy should be sent to the Presiding Officer and the Special Assistant at the following address:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

For regular mail service, the staff may use the ARC internal mail system (Mail Stop T-3F23) in lieu of first-class mail.

2. Overnight or Hand Delivery

To complete service via overnight (e.g., express mail) or hand delivery, a conforming copy should be sent to the Presiding Officer and the Special Assistant at the following address:

Atomic Safety and Licensing Board Panel
Third Floor, Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

3. Facsimile Transmission

To complete service by facsimile transmission (1) a copy should be sent by rapifax to the attention of the Presiding Officer and the Special Assistant at (301) 415-5599 (verification (301) 415-7405); and (2) conforming copies should be sent that same date to the Presiding

Officer and the Special Assistant by regular mail at the address given in paragraph II.B.1 above.

4. E-Mail

To complete service by e-mail transmission (1) the participant's filing (which should include the certificate of service) should be sent as a file (preferably in WordPerfect 5.1 or 6.1 format) attached to an e-mail message directed to the Presiding Officer and the Special Assistant (Internet IDs: gpb@nrc.gov, jrk2@nrc.gov; NRC Agency Upgrade of Technology for Office Systems (AUTOS) Wide Area Network (WAN) System IDs: GPB, JRK2); (2) any attachments or exhibits to a pleading that cannot be transmitted by e-mail should be sent to the Presiding Officer and the Special Assistant by a separate facsimile transmission or other means that will ensure receipt by the due date; and (3) paper conforming copies should be sent that same date to the Presiding Officer and the Special Assistant by regular mail at the address given in paragraph II.B.1 above.

5. Timely Service by Hand Delivery, Facsimile Transmission, or E-Mail

To be timely, any pleading or other submission served on the Presiding Officer and the Special Assistant by hand delivery, facsimile transmission, or e-mail must be received by the Presiding Officer and the Special Assistant no later than 4:30 p.m. Eastern Time on the date due.

C. Motions for Extension of Time

For any motion for extension of time filed with the Presiding Officer in this proceeding, except upon a showing of good cause, the moving participant shall:

1. Ascertain whether and when any other participant intends to oppose or otherwise respond to the motion and apprise the Presiding Officer of that information in the motion; and

2. Provide the motion to the Presiding Officer at least three business days before the due date for the pleading or other submission for which an extension is sought.

D. Exhibits/Attachments to Filings

If a participant files a pleading or other submission with the Presiding Officer that has additional documents appended to it as exhibits or attachments, a separate alpha or numeric designation for each appended document (e.g., Exhibit 1; Attachment A) should be given to each appended document, either on the first page of the appended document or on a cover/divider sheet in front of the appended document.

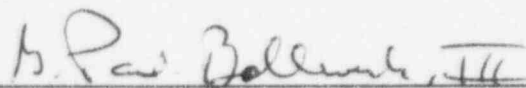
III. Referenced Documents

On or before Monday, February 10, 1997, the staff should provide the Presiding Officer and the Special Assistant with copies of the following documents that are

referenced in the staff's December 12, 1996 notice of denial of amendment request:

1. January 5, 1996 letter from Victoria Morris requesting license amendment;
2. April 7, 1996 University rulemaking petition; and
3. 10 C.F.R. Part 30 license in Docket No. 030-02764 that the University is seeking to amend.

It is so ORDERED.


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 3, 1997

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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UNIVERSITY OF CINCINNATI

(Denial of License Amendment)

Docket No.(s) 30-2764-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (INITIAL) DTD 2/3/97 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

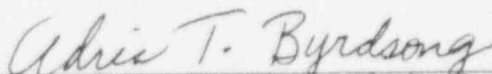
Administrative Judge
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Special Assistant
Atomic Safety and Licensing Board
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Lawrence J. Chandler, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dated at Rockville, Md. this
3 day of February 1997


Office of the Secretary of the Commission