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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
LBP-97-5 NRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Special Assistant:
Jerry R. Kline, Administrative Judge

SERVED MAR 27 1997

In the Matter of

UNIVERSITY OF CINCINNATI

(Denial of License Amendment)

Docket No. 30-02764-MLA

ASLBP No. 97-722-01-MLA

March 27, 1997

MEMORANDUM AND ORDER
(Dismissing Proceeding)

In this proceeding, licensee University of Cincinnati (University) has challenged 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).

Now pending before me is the March 13, 1997 motion of the University requesting that I dismiss this proceeding. In its motion, the University declares that on February 14, 1997, the NRC staff issued Amendment No. 80 to the University's license (NRC License No. 34-06903-05), a copy

of which was provided on March 20, 1997. See Presiding Officer Memorandum (Mar. 26, 1997) attachs. 1-2. Under License Condition 27 provided for by that amendment, an individual visiting a patient is permitted to receive 500 mrem during the patient's confinement period provided:

- (1) the visitor has been determined by a physician to be necessary for the emotional and/or physical support of the patient;
- (2) the visitor is 18 years of age or older and, if female, is not pregnant;
- (3) the visitor (a) is instructed to maintain exposures as low as is reasonably achievable (ALARA), emphasizing the basic radiation safety precautions of time, distance, and shielding, and (b) is advised (i) that the exposures received may exceed the general public's regulatory limit, and (ii) of the risks of radiation exposure; and
- (4) a visitor's exposures received under the license condition are estimated by appropriate means to ensure the 500 mrem dose limit is not exceeded, with records documenting compliance maintained for three years.

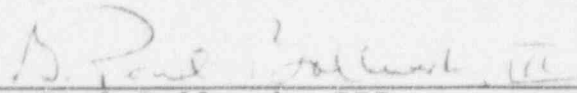
The University's motion also states that the staff has no objection to the University's dismissal request.

The controversy in this proceeding has been mooted by the issuance of the February 14, 1997 license amendment. Accordingly, the University's dismissal request is granted and this proceeding is terminated.

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For the foregoing reasons, it is this twenty-seventh day of March 1997, ORDERED, that:

1. The March 13, 1997 motion of the University to dismiss this proceeding is granted.
2. This proceeding is dismissed.


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 27, 1997

UNITED STATES OF AMERICA
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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 DISMISSING PROCEEDING 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.

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Dated at Rockville, Md. this
27 day of March 1997

Adria T. Byrdson
Office of the Secretary of the Commission