



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

April 15, 1997

Ohio University
Pilcher House
ATTN: John F. Burns, Director
Office of Legal Affairs
Athens, OH 45701-2979

Dear Mr. Burns:

This is to acknowledge receipt of your April 4, 1997, letter, requesting an extension of time to April 18, 1997, to fully and properly prepare a more detailed explanation in response to our March 21, 1997, letter regarding annual fees assessed for License 34-01260-11. Your request for an extension to April 18, 1997, is granted.

Your letter states that "If NRC wants Ohio University to relinquish its role in administering DHI's license, we will, of course, do so. However, if the NRC would still consider Ohio University's ability to monitor and administer DHI's license, we will continue to do so. We just need a direction from the NRC as to which would be its choice."

The NRC does not "choose" who should be the holder of a license, nor does it request that a licensee "relinquish" a license (unless justified for health and safety reasons). In this case, Ohio University applied for a license on December 11, 1986. On January 28, 1988, the NRC issued License Number 34-01260-11 to Ohio University.

The Region III staff has reviewed their file for License Number 34-01260-11 and found telephone conversation records between several NRC staff members, and Jimmy Matthews of the University and Dr. Scholl of Diagnostic Hybrids, Inc. (DHI). From these records it is apparent that the intent on the part of the University was that the license under which DHI would operate would be issued to, and under control of, the University. The records also show that DHI was part of the "Ohio University Innovation Center" established for "start-ups" of small, privately-owned industrial type laboratories to operate on campus, under campus control. Further, the records show that once DHI had established its business, the University planned to terminate the license and DHI would apply for its own license under its own name.

Therefore, it is clear that the University fully intended to receive the license and control the activities conducted under the license. The Region III licensing staff has informed us they have no issue with the license remaining as it is currently written, nor would they take issue if DHI requested their own license, subsequent to termination of the existing license



April 15, 1997

J. Burns

-2-

issued to the University. Such a decision needs to be discussed and resolved between the University and DHI. NRC Region III staff is available to provide assistance in processing any requests of this nature.

Sincerely,

Signed by
Glenda C. Jackson
Glenda C. Jackson, Chief
License Fee Section
License Fee and Accounts Receivable Branch
Division of Accounting and Finance
Office of the Controller

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