



Ohio University

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April 4, 1997

Ms. Glenda C. Jackson, Chief
License Fee and Accounts Receivable Branch
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Jackson:

Ohio University has received and reviewed your March 21, 1997 letter with a great deal of concern, and we very much appreciate your taking the time recently to discuss the matter with Ohio University and Diagnostic Hybrids, Inc. (DHI) representatives, as well as your help in past years.

The most important concern is that Ohio University did not disregard the November 22, 1996, letter from Mr. Ronald M. Scroggins, Deputy Chief Financial Officer/Controller. Rather Mr. Jimmy D. Matthews, Director of Environmental Health and Safety, contacted Ms. Cheryl A. Phillips of the NRC staff, as we have in previous years, and we have also been working with her very much appreciated assistance to resolve the NRC's questions. This effort was continuing and we certainly thought that given Ms. Phillip's assistance in seeking clarification of Ohio University's role regarding License 34-01260-11, used by Diagnostic Hybrids, Inc., we had properly responded; and this was the general procedure we used in past years to resolve the issue of the proper fees which were to be paid by DHI.

Let me briefly state that since 1987, Ohio University has been the responsible party for administering and monitoring this licenses held by Ohio University on behalf of DHI as a lessee of Ohio University.

Our relationship with DHI dates back to before the license was granted beginning in 1987; and Mr. Scroggins' letter unfortunately did not recognize that DHI does essentially use this license. At the time of granting this license, Ohio University "agreed" to be the administrating and monitoring agency, including decommissioning, under the auspices of its Radiation Safety Committee, primarily since DHI was located on Ohio University property as part of its regional economic efforts, which continue on behalf of DHI, although it is quite true DHI is out most senior tenant.

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Mr. Scroggins' letter indicating Ohio University owes \$24,564.84 since 1991, was the first time we were aware of the total amount of fees that were to be applied to Ohio University for trying to assist the NRC in DHI's license; and this is why Mr. Matthews contacted Ms. Phillips to again explain and resolve the situation, which we thought was in the process of being addressed and resolved. I am also enclosing a copy the November 20, 1991 from Mr. James L. Brown of DHI that was also similarly communicated from 1992-95 to assure the proper fee was paid by DHI.

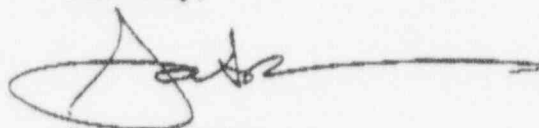
Ohio University wants, of course, fully comply and cooperate with the NRC in fulfilling its responsibilities. If the NRC wants Ohio University to relinquish its role in administering DHI's license, we will, of course, do so. However, if the NRC would still consider Ohio University's ability to monitor and administer DHI's license, we will also continue to do so. We just need a direction from the NRC as to which would be its choice.

Further, we would certainly request that the \$24,564.84 in fees be rescinded, along with any penalties and interest because of our efforts from 1991-1996, with Ohio University receiving its proper exemption under 10 CFR 170.11(a) and 10 CFR 171.11(a); and DHI will be evaluated for its proper fees under the license 34-01260-11 as per the NRC's fee structure.

I would like to request an extension of time to April 18th 1997 to be able to fully and properly prepare a more detailed explanation of the history and past communication and discussion with the NRC for you and your staff and colleagues to review as part of the NRC's determination of direction it wishes Ohio University to take with respect to this license.

Thank you very much. If you would have any questions, please contact me, and I will look forward to hearing from you or your staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'John F. Burns', with a long horizontal line extending to the right.

John F. Burns
Director

JFB:vsp

cc: Mr. Jimmy D. Matthews, Director of Environmental Health and Safety
Mr. David R. Scholl, President, DHI