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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

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

Special Assistant:
Jerry R. Kline, Administrative Judge

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In the Matter of
UNIVERSITY OF CINCINNATI
(Denial of License Amendment)

Docket No. 30-02764-MLA
ASLBP No. 97-722-01-MLA
February 25, 1997

MEMORANDUM AND ORDER
(Regarding Rescission of Hearing Request)

The Presiding Officer has received a copy of a February 19, 1997 letter from Donald Harrison, M.D., University of Cincinnati (University) Senior Vice President and Provost for Health Affairs, to the Secretary of the Commission. In his letter, Dr. Harrison states that on February 19, the University's NRC License No. 34-06903-05 was amended by the agency to allow specified visitors of radiation therapy patients, under specified conditions, to receive up to 500 millirem (mrem) per year. Dr. Harrison further declares that with the receipt of this amendment, the University wishes to rescind its December 30, 1996 hearing request that is the subject of this proceeding before the Presiding Officer.

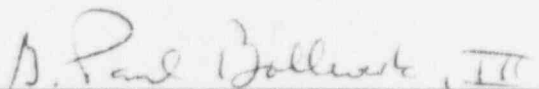
On February 5, 1997, counsel for the University filed a notice of appearance in this proceeding. With that notice,

he became the University's official representative in this case. Any request for dismissal of this proceeding should, therefore, come from him. Moreover, that request should be directed to the Presiding Officer as the agency official before whom the University's hearing request is pending.

Accordingly, if the University wishes to have this proceeding dismissed, it should file a motion with the Presiding Officer within ten days of the date of this memorandum and order. In that motion, the University should indicate whether the NRC staff has any objection to its dismissal request. In addition, the University should attach to its motion a copy of Amendment No. 80 to its NRC License No. 34-06903-05, granted February 19, 1997.

In light of the University's February 19, 1997 letter, the staff need not file its answer to the University's hearing request absent further order of the Presiding Officer.

It is so ORDERED.*


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 25, 1997

* Copies of the memorandum and order were sent to University counsel this date by facsimile transmission and to staff counsel by E-mail transmission through the agency's wide-area network system.

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Docket No.(s) 30-2764-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O RE RESCISSION OF...
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
25 day of February 1997

Adria T. Byrdsong
Office of the Secretary of the Commission