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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges  
James P. Gleason, Chairman  
Peter S. Lam  
Thomas D. Murphy

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED MAR 14 1994

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In the Matter of )  
INDIANA UNIVERSITY SCHOOL )  
OF MEDICINE )  
Indianapolis, Indiana )  
Byproduct Material License )  
No. 13-02752--08 )  
EA 93-111 )  
\_\_\_\_\_

Docket No. 030-09792-CivP  
ASLBP No. 94-689-02-CivP  
March 11, 1994

MEMORANDUM AND ORDER  
(Hearing Request)

This Licensing Board has been established to preside over an enforcement hearing requested by the Indiana University School of Medicine (hereinafter Licensee) on a Nuclear Regulatory Commission Order Imposing Civil Monetary Penalty. The Order (published at 59 Fed. Reg. 4123, January 28, 1994) imposes a civil penalty of \$5,000 for an alleged failure by the Licensee to develop and implement an adequate quality management program required by the Commission's regulations. Because the Licensee has a right to a hearing and has complied with the Commission's procedural time requirements in filing, its request is granted.

The parties to the proceeding are the Licensee and the NRC Staff. As specified in the Order Imposing Civil

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Monetary Penalty, the issues to be considered at the hearing shall be: (a) whether the Licensee was in violation of the Commission's requirements set forth in the written notice of violation and proposed imposition of civil penalty served on the Licensee on October 7, 1993; and (b) whether, on the basis of such violation, the Order should be sustained.

At its earliest convenience, the NRC Staff is requested to provide the Licensing Board (and the Licensee if it has not received them) copies of the following documents which were referenced in the Commission's Order:

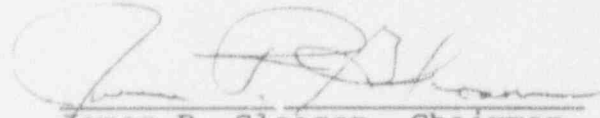
1. Notice of Violation and Proposed Imposition of Civil Penalty, dated October 7, 1993.
2. Licensee's response, dated October 29, 1993.
3. NRC inspection reports, December 14, 1992 through January 13, 1993.

Following receipt of the documents requested, the Board expects to hold a prehearing conference for the purpose of defining the issues to be litigated, establishing discovery schedules and dealing with other matters bearing on the evidentiary hearing. We propose one day during the week of April 4 or April 11 for the prehearing conference. The Board is available on the following days: April 5, 7, 8, 12, 13, 14, and 15. The parties agreeing, the conference will be held near or on the IUPUI campus. The parties should attempt to agree on an acceptable date for the prehearing conference, advise the Board, and file a proposed

prehearing conference, advise the Board, and file a proposed agenda one week ahead of the date scheduled. A notice of hearing will be issued for publication today.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland

March 11, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

INDIANA UNIVERSITY SCHOOL OF  
MEDICINE - INDIANAPOLIS, INDIANA  
(Byproduct Material License  
No. 13-02752-08 - EA 93-111)

Docket No.(s) 30-9792-CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (HEARING REQUEST) 3/11 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  
James P. Gleason, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

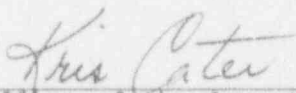
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Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Thomas D. Murphy  
Atomic Safety and Licensing Board  
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Indiana University - Purdue University  
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Indianapolis, IN 46202

Dated at Rockville, Md. this  
14 day of March 1994

  
Office of the Secretary of the Commission