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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before Administrative Judges:

SERVED DEC 13 1990

Charles Bechhoefer, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber

In the Matter of

RHODES-SAYRE &
ASSOCIATES, INC.

(Byproduct Material
License 24-18959-02)

Order to Show Cause

Docket No. 30-29086-SC

ASLBP No. 91-628-01-SC

December 13, 1990

MEMORANDUM AND ORDER
(Schedule for Further Filings)

Pending before this Atomic Safety and Licensing Board is the timely request, dated October 11, 1990, of Rhodes-Sayre & Associates, Inc. (Licensee) for a hearing with respect to the Order to Show Cause issued by the NRC Staff on September 20, 1990. The dispute concerns whether the Licensee's license should be revoked for the conceded non-payment of an inspection fee levied by the NRC pursuant to 10 C.F.R. § 170.31.

Because the Licensee has a right to the hearing which it requests (see 10 C.F.R. § 2.202(c)), its request for a

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hearing is granted. The parties to the proceeding are the Licensee and the NRC Staff. As specified in the Order to Show Cause, the issues to be considered at the hearing shall be (1) whether the Licensee violated the Commission's regulations, as specified in Section II of the Order to Show Cause, and (2) whether License 24-18959-02 should be permanently revoked. The Board will issue a Notice of Hearing in the near future.

In its request for a hearing, the Licensee asks for a waiver of the fee in question. The Licensing Board invites the NRC Staff to file a response to that request, setting forth, inter alia, whether the NRC has authority to waive the fee in question and, if so, its determination whether or not to do so, in whole or in part, including the reasons for its choice. Further, we request the Staff in addition to comment on whether, as set forth in 10 C.F.R. § 2.201, the Licensee was served with a Notice of Violation prior to the Staff's issuance of the Order to Show Cause or, alternatively, how this provision was satisfied in this case.

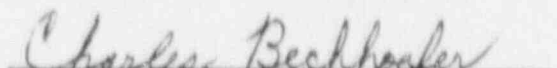
The Staff's response should be filed within 25 days of the date of service of this Memorandum and Order (see 10 C.F.R. § 2.710). The Licensee may file a reply within 10 days of service of the Staff's response.

Following our receipt of the above filings, the Board plans to hold a prehearing conference, either in the

vicinity of the Licensee's place of business or, alternatively, through a telephone conference call, for the purpose of defining further the matters in controversy, establishing schedules for discovery and other activities bearing upon the evidentiary hearing, and discussing other matters relating to the hearing. The parties' views on the location and nature of the prehearing conference are also invited, as part of the filings described above. We will announce the location and time of the prehearing conference in a later order.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
December 13, 1990

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

RHODES - SAYRE & ASSOCIATES, INC.

Docket No. (s) 30-29086-80

(Byproduct Material License
24-18959-02)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (FURTHER FILING SCH.) 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.

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

Administrative Judge
Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

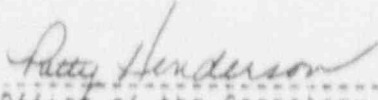
Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Ronald M. Scroggins
Controller
U.S. Nuclear Regulatory Commission
Washington, DC, 20555

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Richard G. Rhodes, P.E.
RHODES-SAYRE AND ASSOCIATES, INC.
401 West Helm, P.O. Box 345
Brookfield, MD 64628

Dated at Rockville, Md. this
13 day of December 1990


Office of the Secretary of the Commission