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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL PANEL '91 APR -2 P3:15

Christine N. Kohl, Chairman:¹

April 2, 1991

In the Matter of)
)
ADVANCED MEDICAL SYSTEMS, INC.)
One Factory Row)
Geneva, Ohio 44041)
_____)

Docket No. 30-16055-CivP
(Civil Penalty)

SERVED APR -2 1991

ORDER

By Notice of Appeal dated March 27, 1991, and directed to an Appeal Board, Advanced Medical Systems, Inc. (AMS), appeals the Licensing Board's memorandum and order granting the NRC staff's motion for summary disposition and terminating this enforcement proceeding. See LBP-91-9, 33 NRC ____ (March 19, 1991).²

The Commission abolished the Atomic Safety and Licensing Appeal Panel in June 1990 and thereafter established a transition plan for handling appeals from Licensing Board decisions until the completion of a rulemaking proceeding for future direct Commission review.

¹ Issued pursuant to 10 C.F.R. § 2.787(b)(2).

² The Notice of Appeal states that the Licensing Board's decision was not served on the "attorneys of record" for AMS and requests that the time for filing briefs be tolled until such service is accomplished. I have been informed that the Chief of the Commission's Docketing and Service Branch has been in contact with AMS counsel concerning this matter.

DS02

Under the interim procedures now in effect and subject to an exception not pertinent here, Appeal Boards are authorized to decide only those appeals and related appellate matters pending before an Appeal Board on October 24, 1990. 55 Fed. Reg. 42,944, 42,945 (Oct. 24, 1990) ("Note" amending 10 C.F.R. § 2.785). Accordingly, AMS's notice of appeal is referred to the Commission.

It is so ORDERED.

FOR THE APPEAL BOARD



Barbara A. Tompkins
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

The Matter of

ADVANCED MEDICAL SYSTEMS, INC.

Docket No. (s) 30-16055-C1VP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AB ORDER RE AMS NOT. OF APPEAL 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

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Robert M. Lazo, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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S. S. Stein
President
Advanced Medical Systems, Inc.
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Cleveland, OH 44110

Dated at Rockville, Md. this
_____ day of April 1991

Margaret M. Doane
Office of the Secretary of the Commission