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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'95 NOV -1 P4:40

Before Administrative Judges:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Charles Bechhoefer, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

SERVED NOV - 2 1995

In the Matter of

GEORGIA INSTITUTE OF  
TECHNOLOGY,  
Atlanta, Georgia

Georgia Tech Research Reactor

(Renewal of Facility License  
No. R-97)

Docket No. 50-160-Ren

ASLBP No. 95-704-01-Ren

November 1, 1995

MODIFICATION OF PARTIAL INITIAL DECISION

In our Partial Initial Decision dated October 31, 1995, LBP-95-19, we determined that GANE's Contention 5 was moot based on the removal by Georgia Tech from the site of fuel and certain other materials--in particular, a Cesium-137 source--from the site during the 1996 Olympic Games. In considering GANE's August 31, 1995 filing, which stated that Georgia Tech intended to remove the Cesium-137 source, no party had objected to that representation by GANE and we thus included the source among the materials to be removed.

The Staff has now informed counsel for the ASLBP that the Cesium-137 is not under NRC's jurisdiction but is regulated by the State of Georgia under the same license as the Cobalt-60 that we discussed elsewhere in the Decision.

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We advised the parties of this development by telephone on November 1, 1995, noting that we are issuing a corrected LBP-95-19 that same date. This Decision treats the Cesium-137 source in the same manner as the Cobalt-60. The corrected version will be the one printed in the NRC reports, and any review by the Commission must be premised on that corrected Decision.

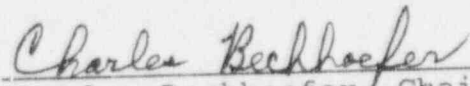
Accordingly, Item 1 on page 8 of the November 1, 1995 Corrected Partial Initial Decision is amended to read:

1. Contention 5, concerning security of the site during the 1996 Olympic Games, is resolved, subject to a condition requiring Georgia Tech to remove all fuel from the site prior to the 1996 Olympic Games and barring return of fuel until after completion of the Olympic Games.

Because the Cesium-137 was the only material of concern to GANE other than fuel for which we ordered removal, we are also amending our earlier Decision to delete any removal requirements other than those for the fuel which Georgia Tech offered to remove. (Georgia Tech may, of course, remove the Cesium-137 on its own motion but not at our direction.)

IT IS SO ORDERED.

For the Atomic Safety and  
Licensing Board

  
\_\_\_\_\_  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
November 1, 1995

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

GEORGIA INSTITUTE OF TECHNOLOGY  
ATLANTA, GEORGIA

Docket No.(s) 50-160-REN

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MODIFICATION OF PIE - 11/1 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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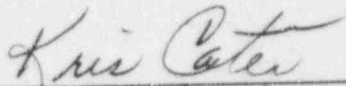
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Docket No.(s)50-160-REN  
LB MODIFICATION OF PIE - 11/1

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Dated at Rockville, Md. this  
2 day of November 1995

  
Office of the Secretary of the Commission