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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	Byproduct Material License
	)	No. 34-19089-01
ADVANCED MEDICAL SYSTEMS, INC.	)	Docket No. 30-16055-SP
	)	EA-86-155
	)	ASLBP No. 87-545-01-SP
	)	(Suspension Order)

NRC STAFF RESPONSE TO SECOND AMS MOTION TO COMPEL

On August 28, 1989 Advanced Medical Systems Inc. (AMS) filed a request for admissions. The NRC Staff (Staff) responded on September 12, 1989 to the relevant requests. On September 18, 1989 AMS filed a motion to compel responses to thirty-four statements of fact and law to which the Staff objected because the statements were irrelevant to the issues admitted for litigation in this proceeding and because legal interpretations are not required by 10 CFR § 2.742.

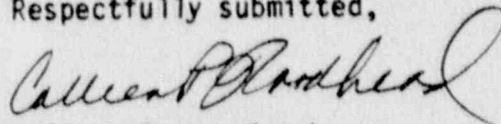
On September 29, 1989 AMS filed a supplemental request for admissions which purported to clarify statements numbered 58 and 59 which the Staff had been unable to answer due to the vagueness of the statements. After the statements were clarified by AMS, the Staff objected to the restatements due to irrelevancy in its October 12, 1989 Response to the Supplemental Request for Admissions. On October 25, 1989 AMS filed a motion to compel Staff response to statements 58 and 59. This motion should be denied since AMS has not established the relevancy of statements 58 and

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59 and thus has provided no basis for the motion. AMS simply claims but does not demonstrate that something described by AMS as a "bad company list" and NRC inspections of this list is relevant to this proceeding. Obviously this claim has no merit and could not be relevant to the unauthorized service activities which led to the 1986 order suspending the AMS license for service work on teletherapy machines. The issues in this proceeding concern the unauthorized AMS service activities documented in the November 25, 1986 Inspection Report on the record of this proceeding. For this reason the second AMS motion to compel should be denied.

Respectfully submitted,



Colleen P. Woodhead  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 13th day of November, 1989.