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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'94 MAY -6 A8:16

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Charles Bechhoefer, Chairman  
Dr. Richard F. Cole  
Dr. Jerry R. Kline

SERVED MAY - 6 1994

In the matter of

NUCLEAR SUPPORT SERVICES, INC.

EA 93-236: Order Requiring the  
Removal of an Individual  
From NRC Licensed or  
Regulated Activities and  
Order Directing Review of  
Personnel Security Files  
(Effective Immediately)

Docket Nos. EA 93-236  
IA 94-003

ASLBP Nos. 94-692-05-EA  
94-691-04-EA

ROBERT C. DAILEY

IA 94-003: Order Prohibiting  
Involvement in Certain NRC-  
Licensed or Regulated  
Activities (Effective  
Immediately)

May 4, 1994

MEMORANDUM AND ORDER

(Consolidating Proceedings and Granting Extension of Time)

Pending before this Licensing Board is the challenge of Nuclear Support Services, Inc. (NSSI) and one of its officers to two enforcement actions issued by the NRC Staff. The respondents (both NSSI and Mr. Robert C. Dailey) seek not only to contest the enforcement orders but also, in the interim, the immediate effectiveness of the Order in EA 93-236.

On April 29, 1994, NSSI and Mr. Dailey filed requests for a hearing on the Staff's enforcement orders. Such

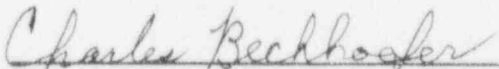
requests are hereby granted. On the same date, NSSI filed a motion to set aside the immediate effectiveness portion of EA 93-236.

Under governing standards, 10 C.F.R. § 2.202(c)(2)(ii), the Staff's response to the immediate-effectiveness motion is required to be filed today. However, on May 3, 1994, the Staff and NSSI jointly filed a motion to delay consideration of the immediate-effectiveness portions of EA 93-236 (to permit discussions between the parties) and to establish June 3, 1994 as the date by which the Staff may respond to the motion. By letter dated May 3, 1994, the Staff extended the time for NSSI to comply with certain aspects of the Order in EA 93-236.

Good cause having been shown, the joint motion to extend the Staff's filing date is hereby granted.

Given the close relationship of these two proceedings, and the statement by the respondents that consolidation of the two proceedings is not only desirable but indeed inevitable, we hereby consolidate the proceedings.

For the Atomic Safety and  
Licensing Board

  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
May 4, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

NUCLEAR SUPPORT SERVICES, INC. AND  
ROBERT C. DAILEY

Docket No.(s) EA-93-236 & IA-94-003

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O CONSOLIDAT'G & GRANT'G 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  
Charles Bechhoefer, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

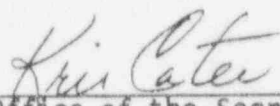
Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board  
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Dated at Rockville, Md. this  
6 day of May 1994

  
Office of the Secretary of the Commission