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DOCKETED  
JUN 2, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'94 JUN -6 P2:56

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & CLERK

In the Matter of )

NUCLEAR SUPPORT SERVICES, INC. )

EA 93-236 )

GRANTED  
FOR THE LICENSING BOARD  
Charles Beckhofer  
6/3/94

JOINT MOTION OF NSSI AND NRC  
STAFF FOR FURTHER DELAY IN  
COMMENCEMENT OF PORTION OF PROCEEDING

INTRODUCTION

SERVE JUN - 6 1994

On May 4, 1994, the Licensing Board issued an order granting the joint motion of NSSI and the NRC Staff to delay the commencement of a portion of the proceeding in order to accommodate settlement negotiations.<sup>1</sup> The parties have made productive use of the extension and have made substantial progress in settling their differences regarding the provisions of paragraphs IV.B.2, IV.B.3 and IV.B.5 of the Order captioned "EA 93-236," which were the subject of NSSI's "Motion to Set Aside Immediate Effectiveness of Part IV.B of NRC's Order Captioned EA 93-236," filed April 29, 1994 ("Motion"). The Licensing Board's Order of May 4, 1994 extended the time for the filing of the Staff's response to NSSI's motion until June 3, 1993. The parties now seek a further extension

<sup>1</sup> Memorandum and Order (Consolidating Proceedings and Granting Extension of Time), May 4, 1994.

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until June 17, 1994, in the hope that they will have been able to settle their differences by that time.<sup>2</sup>

### BACKGROUND

On March 22, 1994, the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research issued an Order to NSSI requiring, *inter alia*, that:

B.2. Nuclear Support Services, Inc., shall complete a review of all NSSI personnel security files processed during the period of November 1989 through May 31, 1991, to ensure that, based upon the information in the files, any NSSI personnel recommended for unescorted access to NRC-licensed nuclear plants during that period met applicable 10 CFR part 26 Fitness-for-Duty requirements and access authorization requirements for unescorted access in accordance with requirements applicable to NSSI's clients' security plans as prescribed in such clients' contracts with NSSI.

B.3. Nuclear Support Services, Inc., shall advise the NRC, in writing, of the results of the review required by conditions B.1 and 2. within 60 days of the date of this Order [May 21, 1994].

B.5. Nuclear Support Services, Inc. shall provide an audit plan to the NRC, to verify the accuracy of information obtained by NSSI in its background inquiries which formed the basis for its access decisions during the period from November 1989 to May 31, 1991. The plan shall be submitted within 30 days of the date of this Order [April 22, 1994] and include the sample size, the milestones and schedule for completing the audit, qualifications of the auditors, and the basis for concluding that the audit plan will provide assurance that NSSI's records are complete and accurate. Following NRC approval of the plan, it shall be implemented. The results of the audit shall be provided to the applicable licensees and the NRC within 7 days of the completion of the audit.

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<sup>2</sup> James Lieberman, Director, Office of Enforcement, is sending a letter to NSSI's president extending the time for NSSI to complete the review of its security files required by paragraph IV.B.2 of the Order until July 5, 1994, and the time for NSSI to submit the audit plan required by paragraph IV.B.5 of the Order until June 30, 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 GRANTED JOINT MOTION...6/3 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

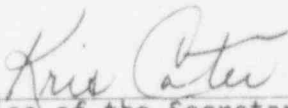
Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Administrative Judge  
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Dated at Rockville, Md. this  
6 day of June 1994

  
Office of the Secretary of the Commission