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DOCKETED
June 20, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
TRAINING & SERVICE
BRANCH

In the Matter of)	
)	
ONCOLOGY SERVICES CORPORATION)	Docket No. 030-31765-EA
)	
(Byproduct Material)	EA No. 93-006
License No. 37-28540-01))	
)	

NRC STAFF'S MOTION TO DESIGNATE TIME FOR STAFF
TO RESPOND TO LICENSEE'S REQUEST FOR ADMISSIONS

INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.730 and 2.742(b) of the Commission's regulations, the staff of the Nuclear Regulatory Commission (Staff) hereby moves the Atomic Safety and Licensing Board (Board) designated to preside in the above-captioned proceeding to set a thirty-day response time for the Staff to file a response to Oncology Services Corporation's (the Licensee's) request for admissions filed on June 17, 1994.

DISCUSSION

On June 17, 1994, the Licensee filed "OSC's Request for Admissions Dated June 17, 1994" (Request for Admissions). Counsel for the Staff and the Licensee are unable to agree upon a time for the filing of the Staff's responses to the Licensee's request for admissions.¹ Therefore, the Staff files the instant motion. The Commission's

¹ Counsel for the Licensee has informed the Staff's counsel that the Licensee will be filing a response in opposition to the instant motion.

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regulations at 10 C.F.R. § 2.742(b) provide that each requested admission shall be deemed made unless, "within a time designated by the presiding officer or the Commission, and not less than ten days after service of the request or such further time as may be allowed on motion," the party to whom the request is directed provides a response or objection. 10 C.F.R. § 2.742(b).²

The Licensee's Request for Admissions consists of ninety-five individual requests. In addition, the Licensee has requested detailed explanations of any responses other than unqualified admissions made by the Staff, and has requested the identification and production of pertinent documents. The requests touch upon a variety of subjects that require coordination with several offices within the agency as well as regional personnel. As a result of the large number of requests for admissions and the possible involvement of several offices within the agency, the Staff estimates that it would need thirty days to prepare its responses and any objections it may have to the Licensee's Request for Admissions. Therefore, the Staff requests that the Board designate a response time to the Licensee's Request for Admissions of thirty days for the Staff.

² The Staff notes that it is not under an obligation to respond to the Licensee's Request for Admissions until such time as designated by the Board.

CONCLUSION

For the reasons set forth above, the Staff's motion for the designation of a thirty day response time should be granted.

Respectfully submitted,

Catherine L. Marco

Catherine L. Marco
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of June, 1994

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION TO DESIGNATE TIME FOR STAFF TO RESPOND TO LICENSEE'S REQUEST FOR ADMISSIONS" in the above-captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by facsimile transmission as indicated by an asterisk, or by electronic mail with a conforming copy served by deposit in the Nuclear Regulatory Commission's internal mail system, as indicated by a double asterisk, this 20th day of June, 1994:

G. Paul Bollwerk, III, Chairman**
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Peter S. Lam**
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Charles N. Kelber**
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Marcy L. Colkitt, Esq.*
General Counsel
Oncology Services Corp.
P.O. Box 607
Indiana, PA 15701-0607

Kerry A. Kearney, Esq.*
Joseph W. Klein, Esq.
Joseph R. Rodkey, Jr., Esq.
Counsel for Oncology Services Corp.
Reed Smith Shaw & McClay
Mellon Square
435 Sixth Avenue
Pittsburgh, PA 15219-1886

Adjudicatory File (2)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of the Secretary (2)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Section

Atomic Safety and Licensing Board
Panel (1)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of Commission Appellate
Adjudication (1)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Catherine L. Marco
Catherine L. Marco
Counsel for NRC Staff