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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

OFFICE OF SECRETARY
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In the Matter of

INDIANA REGIONAL CANCER CENTER

(Order Modifying and
Suspending Byproduct Material
License No. 37-28179-01)

Docket No. 030-30485-EA

EA 93-284

ASLBP No. 94-685-02-EA

October 11, 1994

MEMORANDUM AND ORDER
(Providing Additional Time
for Settlement Discussions)

By order issued September 16, 1994, we granted a delay regarding several discovery matters to afford the NRC staff and petitioners Indiana Regional Cancer Center (IRCC) and Dr. James E. Bauer an opportunity to pursue settlement negotiations. In a joint submission filed on October 7, 1994, the parties have advised us that although settlement is still possible, negotiations have not yet been successfully completed. As a consequence, they ask for an additional delay relative to the filing schedule and the hearing mandated in the Board's August 31, 1994 issuances concerning discovery. They also state that, in the event a settlement has not been reached by October 31, 1994, no further delay of this proceeding will be necessary for additional negotiations.

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In light of the parties' representations, there appears to be good cause for a further delay of this proceeding in accordance with their request. We thus will postpone compliance with our outstanding discovery directives as set forth below.

For the foregoing reasons, it is this eleventh day of October 1994, ORDERED, that

1. The staff's time for responding to the April 25, 1994 request for production of computer system documents relative to section II.B.2.b of the Board's August 31, 1994 order is suspended pending further order of the Board.
2. Absent a pending filing by the parties seeking termination of this proceeding, no later than Friday, October 28, 1994, the parties shall file a joint submission addressing the status of settlement discussions with the understanding that, given the representations in their October 7 joint filing, the Board does not contemplate granting any further delay regarding the computer discovery matters that were the subject of the Board's August 31, 1994 directives.¹

¹ The Board also advises the parties that if a settlement is not reached, it contemplates (1) establishing Monday, November 7, 1994, as the due date for the staff's response to IRCC's April 25, 1994 request for production of computer system documents relative to section II.B.2.b of

(continued...)

3. A copy of the submission called for in paragraph two shall be provided to the Board by facsimile transmission or other means that will ensure its receipt by close of business (4:30 p.m. EDT) on the filing date.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

G. Paul Bollwerk, III

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 11, 1994

¹(...continued)

the Board's August 31, 1994 order, and (2) holding the hearing on computer discovery matters called for in section II.B.2.c of the Board's August 31, 1994 order beginning on Wednesday, November 16, 1994, with Wednesday, November 9, 1994, being set as the due date for the parties' prehearing filings previously described in the Board's August 31, 1994 memorandum and order regarding the hearing.

² Copies of this memorandum and order are being sent this date to counsel for IRCC and Dr. James Bauer by facsimile transmission and to staff counsel by electronic mail transmission through the agency's wide area network system.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

INDIANA REGIONAL CANCER CENTER,
INDIANA, PA
(Byproduct Material License No.
37-28179-01 - EA 93-284)

Docket No.(s) 30-30485-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (PROVIDING ADDL TIME..) 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.

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

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter S. Lam
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Dated at Rockville, Md. this
12 day of October 1994


Office of the Secretary of the Commission