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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

FILED IN 100-117
ENCL. 100-117
JAN 11 1994

SERVED JAN 11 1994

In the Matter of
ONCOLOGY SERVICES CORPORATION

(Order Suspending
Byproduct Material
License No. 37-28540-01)

Docket No. 030-31765-EA

EA 93-006

ASLBP No. 93-674-03-EA

January 10, 1994

ORDER

(Postponing Discovery Responses
Pending Prehearing Conference)

Pending before the Board is a January 4, 1994 motion filed by licensee Oncology Services Corporation (OSC) asking for a protective order staying its response to the NRC staff's December 27, 1993 interrogatories and requests for production of documents and admissions. Also before us is a January 7, 1994 staff response to OSC's motion.

OSC asserts that a stay of its discovery response is necessary pending staff production of discoverable material. Of particular concern to OSC is its access to witness transcripts taken from present and former OSC employees during agency investigation of a November 1992 incident at OSC's Indiana (Pennsylvania) Regional Cancer Center that is one of the bases for the January 1993 suspension order at issue in this case. OSC also asserts that the prehearing

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conference now scheduled for Wednesday, January 26, 1994, provides the best forum for considering this and other issues impacting on the fair and efficient management of the discovery process.

In its January 7 response, the staff declares that it disagrees with the substance of OSC's request for a protective order. It also states, however, that it has no objection to postponing OSC's discovery response pending consideration of the matter at the prehearing conference if the time for providing its response to OSC's interrogatories and requests for production of documents and admissions filed on January 3, 1994, likewise is delayed.

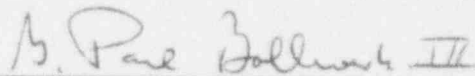
Upon consideration of both these filings, it is

ORDERED, that the deadlines for the parties' to make their responses to the pending discovery requests filed December 27, 1993, and January 3, 1994, are suspended pending further order of the Board, and it is

FURTHER ORDERED, that any staff objections or request for a protective order relative to OSC's January 3, 1994 discovery request shall be filed on before Friday, January 14, 1994, and that any OSC response to such objections or motion shall be filed on or before Friday, January 21, 1994. Copies of these filings should be provided to the Board and opposing counsel by facsimile transmission, E-Mail, or other means so as to ensure receipt by close of business on the day of filing.

The Board will take up the substance of OSC's January 4 motion for protective order and any objections or protective order motion filed by the staff at the prehearing conference.*

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

January 10, 1994

* Copies of this order are being sent this date to OSC counsel by facsimile transmission and to staff counsel by E-Mail transmission through the agency's wide area network system.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ONCOLOGY SERVICES CORPORATION,
HARRISBURG, PA
(Byproduct Material License
No. 37-28540-01 - EA 93-006)

Docket No.(s) 30-31765-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (POSTPONING DISCOVERY 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
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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


Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Marian L. Zabler, Esq.
Michael H. Finkelstein, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Kerry A. Kearney, Esq.
Counsel for Oncology Services Corp.
Reed, Smith, Shaw & McClay
Mellon Square, 435 Sixth Avenue
Pittsburgh, PA 15219

Marcy L. Colkitt, Esq.
General Counsel & E. V. President
Oncology Services Corporation
110 Regent Court, Suite 100
State College, PA 16801

Dated at Rockville, Md. this
11 day of January 1994


Office of the Secretary of the Commission