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January 12, 1994

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
NUCLEAR REGULATORY COMMISSION

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 MOTION FOR EXTENSION OF TIME IN WHICH TO FILE  
SPECIFIC OBJECTIONS TO THE PRODUCTION OF CERTAIN DOCUMENTS

INTRODUCTION

The staff of the Nuclear Regulatory Commission (Staff) hereby moves the Atomic Safety and Licensing Board (Board) designated in the above-captioned proceeding for an extension of time within which to file specific objections to the production of certain documents requested by Oncology Services Corporation (Licensee).<sup>1</sup>

BACKGROUND

On December 27, 1993, the Staff served "NRC Staff's Interrogatories and Request for Production of Documents and Request for Admissions" (Staff's Interrogatories) on the Licensee. The Licensee filed, on January 3, 1994, "Licensee's First Set of Interrogatories, First Request for Production and First Request for Admissions Directed

<sup>1</sup> The Staff sought and obtained, via telephone, leave from the Board to file this motion two business days prior to the due date of the pleading for which an extension is being requested, instead of three business days, as required by the Board in its "Memorandum and Order (Establishing Administrative Directives and Scheduling Prehearing Conference), December 17, 1993. The Licensee had no objection.

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to NRC Staff" (Licensee's Discovery Request). On January 4, 1994, the Licensee filed "Oncology Services Corporation Motion for a Protective Order" (Motion). The Staff responded on January 7, 1994, indicating that while it objected to the Licensee's Motion, it did not object to the staying of responses to discovery requests until after the January 26, 1994 prehearing conference. "NRC Staff Response to Oncology Services Corporation Motion for a Protective Order."

On January 10, 1994, the Board issued an "Order (Postponing Discovery Responses Pending Prehearing Conference)" (Order). In its Order, the Board suspended the deadlines for both parties to respond to the pending discovery requests until further order of the Board. Order at 2. The Board further ordered that any Staff objections or requests for a protective order, relative to the Licensee's January 3, 1994 discovery requests, be filed by January 14, 1994. *Id.*

#### DISCUSSION

The Staff requests an extension of time within which to file specific objections to the production of certain documents. The Licensee's Discovery Request contains several requests for the production of NRC documents. These requests include a general request for "all transcriptions, summaries or other notes of persons interviewed, questioned, deposed or from whom statements were in any other fashion taken in connection with this license suspension proceeding." Licensee's Discovery Request at 5. In addition, the

Licensee's Discovery Request include requests for documents related to specific interrogatories.<sup>2</sup> *See, e.g.*, Licensee's Discovery Request at 8, 11, 12.

In its Order, the Board ordered the Staff to file any "objections or request for a protective order relative to OSC's January 3, 1994 discovery request" by January 14, 1994. Order at 2. The Staff understands this Order to require the Staff to file objections to the production of specific documents responsive to Licensee's Discovery Request, as well as any general objections to the Licensee's requests. The Staff intends to file, by January 14, 1994, a motion for a protective order regarding certain classes of documents, as well as general objections to specific interrogatories and requests for admissions. Upon a preliminary review of other NRC documents, however, the Staff has determined that there are numerous documents which may be encompassed by the Licensee's requests; many of these documents, however, may be entitled to protection from production. Due to the number of documents, the Staff is unable to review each document in order to determine its responsiveness to a Licensee's request, determine whether an objection to production would be appropriate, and then make such objection within the time set by the Board in its Order. The Staff, therefore, requests an extension of time within which to file specific objections to the production of individual documents until the time the Board

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<sup>2</sup> The Staff intends, in its January 14, 1994 filing with the Board, to file objections to the production of any documents which relate to a specific interrogatory to which the Staff also objects.

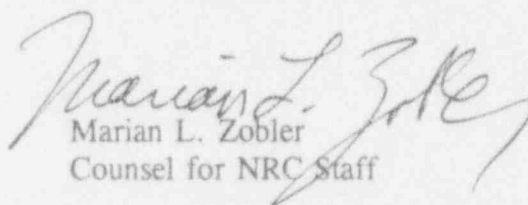
provides for the Staff to respond to the Licensee's interrogatories and document production requests.

Counsel for the Licensee has been apprised of this motion and has not indicated that he will consent to the motion and has indicated that he intends to file a response to the motion shortly after its receipt.

CONCLUSION

For the reasons set forth above, the Staff moves the Board for an extension of time in which to file specific objections to the Licensee's request for the production of documents.

Respectfully submitted,

  
Marian L. Zobler  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 12th day of January, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
LICENSING BOARD  
Docket

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENSION OF TIME IN WHICH TO FILE SPECIFIC OBJECTIONS TO THE PRODUCTION OF CERTAIN DOCUMENTS" 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 12th day of January, 1994:

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

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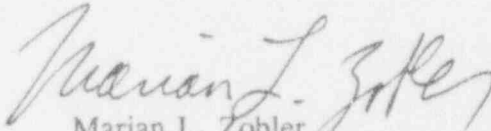
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