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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'94 JAN 14 P1:39

Before Administrative Judges:

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

SERVED JAN 14 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 14, 1994

MEMORANDUM AND ORDER
(Granting Staff Motion for
Extension of Time to File
Specific Discovery Objections)

As part of a memorandum and order dated January 10, 1994, the Board directed that on or before January 14, 1994, the NRC staff should file its objections to or a motion for protective order regarding the January 3, 1994 discovery request of licensee Oncology Services Corporation (OSC). Now pending before the Board is a January 12, 1994 staff motion to extend the time for filing its objections to the production of individual documents encompassed by OSC's outstanding discovery request. In a January 13, 1994 response, OSC opposes the staff's motion.

In its motion, the staff states that it intends to file a timely motion for a protective order regarding certain classes of documents as well as general objections to

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specific interrogatories and requests for admissions set forth in OSC's January 3 discovery request. The staff also declares that the volume of documentary material that may be enveloped by OSC's discovery request has left the staff unable to review each document to make a determination about responsiveness and objections within the time allotted by the Board's order. The staff thus asks that its time to file specific objections to the production of individual documents be extended until the Board directs the staff to respond to OSC's interrogatories and document production requests.

OSC's opposes the staff's motion, principally on the ground that the staff has failed to provide any estimate of when it will complete its preliminary review of the documents in question. According to OSC, because the staff failed to provide the Board with a reasoned basis for establishing an new deadline for compliance, its extension request should be denied.

Our January 10 memorandum and order was issued in response to an January 4, 1994 OSC motion for a protective order in which OSC 1) asked for a delay in its response to a December 27, 1993 staff discovery request pending a staff response to its January discovery request, and 2) argued that its delay request could best be dealt with at the upcoming January 26, 1994 prehearing conference. In its response, the staff indicated its general agreement with the

latter assertion. The directive regarding staff objections now in issue was intended to ensure that the Board was apprised of the staff's principal objections to OSC's January 3 OSC discovery request and OSC's response to those objections. Such information is central to any determination regarding OSC's discovery response delay request.

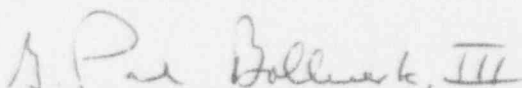
Based upon the staff's representations in its extension motion, it appears that the staff motion for protective order to be filed today will meet this objective. Further, we do not share OSC's concern about the seemingly open-ended nature of the staff request given our already expressed intention to see that discovery is conducted expeditiously. In this regard, we will expect the staff to provide a precise estimate of the time it needs for reviewing and making a determination about the individual documents at the January 26 prehearing conference.

Accordingly, the staff's motion for extension of time to file its specific objections to the production of individual documents is granted. The time for filing the staff's objections to the production of individual documents

relative to OSC's January 3, 1994 discovery request will be established in a subsequent Board order.

It is so ORDERED.*

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



G. Paul Bollwerk, III
G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

January 14, 1994

* Copies of this memorandum and order have been 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 M&O (GRANT'G STAFF MOTION.. 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.

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Washington, DC 20555

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Administrative Judge
Charles N. Kelber
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Dated at Rockville, Md. this
14 day of January 1994


Office of the Secretary of the Commission