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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'94 MAR 21 P3:05

Before Administrative Judges:

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

March 18, 1994

SERVED MAR 21 1994

MEMORANDUM AND ORDER
(Joint Discovery Status Report)

By motion filed March 17, 1994, the NRC staff has asked the Board to vacate a protective order it entered on February 1, 1994, relative to nineteen documents sought through discovery by licensee Oncology Services Corporation (OSC). According to the staff, the Assistant United States Attorney in the Office of the United States Attorney for the Western District of Pennsylvania who is considering a criminal referral regarding matters relating to the January 20, 1993 suspension order that is the subject of this proceeding has determined that the release of these documents (as well as a number of others) would no longer harm the ongoing investigation relating to the referral. By separate issuance today, we are granting the staff's motion.

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PDR ADOCK 03031765
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In accordance with our February 1, 1994 order, counsel for the staff should contact OSC counsel and make arrangements to provide the nineteen documents as promptly as possible. In addition, on or before Tuesday, March 29, 1994, the staff and OSC should file a joint report on the status of discovery. The report should be served upon each of the Board's members so as to ensure its receipt by close of business on that date.

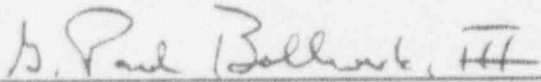
So that we can assess the impact on discovery of the staff's disclosure of the nineteen documents, the parties' report should detail which particular outstanding objections to pending discovery requests and which specific portions of any pending motion to compel or motion for a protective order still entail matters in controversy between the parties. This would include the staff's objections filed on January 14 and February 18, 1994; OSC's objections filed on March 4, 1994; and the staff's March 14, 1994 motion to compel and motion for protective order.

The report also should present the parties' positions regarding the continuing validity of the protective order

granted to OSC in the Board's February 1, 1994 prehearing conference order.

It is so ORDERED.*

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

March 18, 1994

* Copies of the memorandum and 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 M&O RE JOINT DISCOVERY RPT. 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

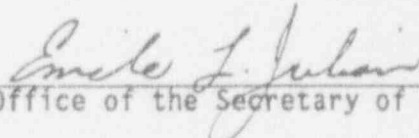
Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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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
21 day of March 1994


Office of the Secretary of the Commission