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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'94 APR -5 AIO:41

Before Administrative Judges:

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
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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

April 5, 1994

MEMORANDUM AND ORDER

(Vacating OSC Protective Order; Denying
Staff Motion for Protective Order)

Upon consideration of the parties' March 29, 1994 joint
discovery status report, it is

ORDERED, that the portion of the Board's February 1,
1994 order granting the January 4, 1994 motion of licensee
Oncology Services Corporation (OSC) for a protective order
is vacated; and it is

FURTHER ORDERED, that the NRC staff's March 14, 1994
motion for protective order is denied, but without prejudice
to any such future request by the staff; and it is

FURTHER ORDERED, that the staff shall notify the Board
when it provides OSC with the nineteen documents that were
the subject of the already-vacated portion of the Board's
February 1, 1994 order granting the staff's January 14, 1994
motion for protective order. The staff shall provide this

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notice within one business day of the date on which the last of those documents is released to OSC or of the date of this order, whichever is later.

In addition, the Board notes the following:

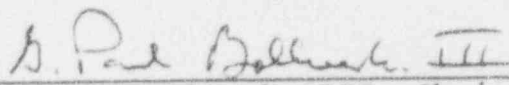
1. A filing requesting affirmative relief from the Board must bear a caption clearly indicating that it is (or contains) a motion. See Duke Power Co. (Cherokee Nuclear Station, Units 1, 2, and 3), ALAB-457, 7 NRC 70, 71 (1978). So too, a response to a pleading should be in a filing that bears a caption clearly indicating that it is (or contains) such a response.

2. A motion to compel a response to a discovery request must be filed within the time limits specified in 10 C.F.R. § 2.740(f), unless a party seeks and obtains an extension of time from the Board.

3. In response to a discovery request, claims of privilege (including claims relating to the fifth amendment privilege against self-incrimination) must be plead with specificity. See Long Island Lighting Co. (Shoreham Nuclear

Power Station, Unit 1), LBP-82-82, 16 NRC 1144, 1153-54
(1982).*

FOR THE ATOMIC SAFETY
AND LICENSING BOARD


G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

April 5, 1994

* Copies of this 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) 30-31755-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (VACATING OSC ...) 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 M. Kelber
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Administrative Judge
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State College, PA 16801

Dated at Rockville, Md. this
5 day of April 1994


Office of the Secretary of the Commission