

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

DECLARATION OF  
CHIEF DEPUTY ATTORNEY GENERAL LAWRENCE N. CLAUS

1. I am Chief Deputy Attorney General and Attorney-in-Charge of the Criminal Investigation and Prosecution Section, Western Regional Office for the Office of Attorney General of the Commonwealth of Pennsylvania. As such, one of my responsibilities, pursuant to applicable Pennsylvania law as set forth in the Pennsylvania Commonwealth's Act, 71 Pa. C.S. 732.101 et seq., is to make inquiry into alleged violations of the penal statutes of the Commonwealth of Pennsylvania and to determine whether such alleged violations merit criminal investigation and prosecution; additionally, when so required, it is my responsibility to prosecute or to supervise the prosecution of the said matters.

2. This declaration is a follow-up to a previously-submitted Declaration dated February 22, 1993 concerning the above-captioned matter.

3. As was reflected in that previous Declaration by the undersigned, the Office of Attorney General of the Commonwealth of Pennsylvania, pursuant to a referral by the District Attorney's Office of Indiana County, has been making inquiry into certain incidents occurring on or about November 16, 1992, concerning the Indiana Regional Cancer Center (I.R.C.C.) in Indiana County, Pennsylvania.

4. That criminal inquiry into the circumstances related to the above-noted matters is ongoing at this time.

5. No decision by the Office of Attorney General has been made as to whether the available evidence would support a criminal prosecution or prosecutions of any individual(s) or corporate entity(ies).

6. As of the present time, however, it does appear that a decision concerning the prosecutorial merit of these allegations will be made by this Office on or before Wednesday, June 23, 1993.

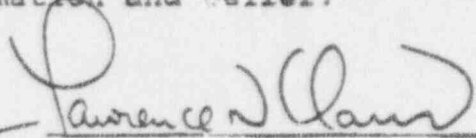
7. If any prosecutorial decision which would obviate the need for the continuation of the now-existing delay which was granted pursuant to the previous request by this Office is made prior to the date of June 23, 1993, it is the intention of the undersigned to promptly notify the Nuclear Regulatory Commission in order that any then-appropriate action may be taken.

8. Although it is of public record that the Ninth Statewide Investigating Grand Jury has been convened and is presently conducting investigative proceedings in Harrisburg, the undersigned is not at liberty, pursuant to provisions of applicable Pennsylvania Law, to comment upon whether or not this particular matter has been included as part of that Grand Jury's investigative activities.

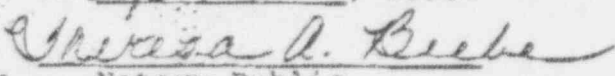
9. However, in light of the progress made to date, there appears to be no likelihood that any additional delay of proceedings before the Atomic Safety and Licensing Board will be necessary beyond that time period already mandated pursuant to the Memorandum and Order by the Atomic Safety and Licensing Board dated March 26, 1993.

10. Pursuant to 18 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATE: April 29, 1993

  
Lawrence N. Claus  
Chief Deputy Attorney General

SWORN TO and subscribed  
before me this 29<sup>th</sup> day  
of April, 1993.

  
Notary Public

Notary Seal  
Theresa A. Beebe, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires March 22, 1997