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RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF	)	Docket No. 030-30485 - EA
	)	License No. 37-28179-01
INDIANA REGIONAL CANCER CENTER	)	EA No. 93-284

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND ADMISSIONS DIRECTED TO THE NRC STAFF

The Licensee, Indiana Regional Cancer Center, requests that the NRC staff produce the following documents in accordance with the applicable rules of procedure:

1. Any and all documents, including any notes taken by the inspectors during the November 1993 inspection, which support, relate to and/or refute the basis for the Suspension Order.
2. Any and all documents relating to or referring to License No. 37-28179-01.
3. Any and all documents, studies and/or NRC/FDA commissioned publications relating to the medical use of strontium-90.
4. Any and all documents used by the staff to answer Requests for Admissions set forth herein.

The Licensee requests that the NRC respond to the following Admissions in accordance with the applicable rules of civil procedure.

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PDR ADOCK 03030485  
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1. Prior to the November 11, 1993 inspection, Dr. Mohamed M. Shanbaky was aware that Dr. Bauer had used strontium-90 to treat superficial skin lesions.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

2. If the Answer to Number 1 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 1 above is not an unqualified admission.

Answer:

3. Prior to November 11, 1993, Penny Nessen was aware that Dr. Bauer had used strontium-90 to treat superficial skin lesions.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

4. If the Answer to Number 3 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 3 above is not an unqualified admission.

Answer:

5. An internal NRC document prepared by the NRC relating to the facts of the November 11, 1993 inspection contains factual errors.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

6. If the Answer to Number 5 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 5 above is not an unqualified admission.

Answer:

7. Charlene Santus did not speak with Dr. Bauer about the patient log(s) prior to turning over requested patient log(s) to the inspectors on November 11, 1993.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

8. If the Answer to Number 7 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 7 above is not an unqualified admission.

Answer:

9. Marcy L. Colkitt asked the inspectors during the November 11, 1993 inspection if there was any other information and/or documents they needed.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

10. If the Answer to Number 9 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 9 above is not an unqualified admission.

Answer:

11. It is possible that the inspectors on November 11, 1993 initially only requested patient charts where strontium-90 was used to treat eye patients.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

12. If the Answer to Number 11 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 11 above is not an unqualified admission.

Answer:

13. During the November 11, 1993 inspection Dr. Bauer did not deny that he used strontium-90 to treat superficial skin lesions.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

14. If the Answer to Number 13 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 13 above is not an unqualified admission.

Answer:

15. At the time the inspectors left Indiana Regional Cancer Center on November 11, 1993, the inspectors had received all requested documentation from the Licensee.

Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

16. If the Answer to Number 15 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 15 above is not an unqualified admission.

Answer:

17. Dr. James Bauer did not direct any of the Indiana Regional Cancer Center staff to withhold any information from the inspectors on November 11, 1993.

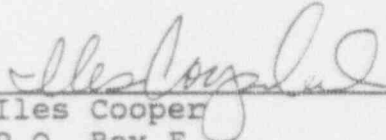
Admitted. \_\_\_\_\_ Denied. \_\_\_\_\_

18. If the Answer to Number 17 above is anything other than an unqualified admission, describe all circumstances in detail as to why the answer to Number 17 above is not an unqualified admission.

Answer:

Respectfully submitted,

WILLIAMSON, FRIEDBERG & JONES

  
\_\_\_\_\_  
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Counsel for Indiana Regional Cancer  
Center and James E. Bauer

Date: February 2, 1994

CERTIFICATE OF SERVICE

'94 FEB -4 P4 20

This 2nd day of February, 1994, the foregoing First Request for Production of Documents and Admissions Directed To The NRC Staff was served on the following by U.S. first class mail, postage prepaid:

James Lieberman, Esquire  
Director, Office of Enforcement  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Lawrence J. Chandler, Esquire  
Assistant General Counsel  
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Washington, D.C. 20555

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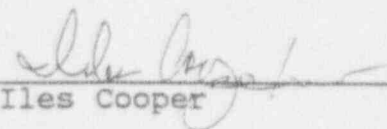
Secretary  
U.S. Nuclear Regulatory  
Commission  
Attn: Chief, Docketing and  
Service Section  
Washington, D.C. 20555

Administrative Judge  
G. Paul Bollwerk, III, Chairman  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
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Washington, D.C. 20555

Administrative Judge  
Peter S. Lam  
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Charles N. Kelber  
Atomic Safety and Licensing  
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Marian L. Zobler, Esquire  
Office of the General Counsel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555  
(via telecopy and U.S. Mail)

  
\_\_\_\_\_  
Iles Cooper