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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ivan W. Smith, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber

SEE FEB 28 1994

In the Matter of

CAMEO DIAGNOSTIC CENTRE, INC.

Byproduct Material License
No. 20-27908-01
EA 93-005

Docket No. 30-29567-CivP

ASLBP No. 94-686-01-CivP

February 25, 1994

MEMORANDUM AND ORDER

The Board's order of February 23, 1994 raised a new question about the Staff's orders imposing a civil penalty. We suggested that alleged Violation I.B. was defective because it failed to allege that:

[T]he Licensee had a duty imposed by "statute or by the Commission's regulations, orders, or license conditions" to provide any information, accurate or otherwise, to the Commission. As matters now stand, the Licensee has not been notified in a formal charging document as to how its agent breached a duty imposed by law to provide complete and accurate answers to the NRC inspector during the telephone call on November 12, 1992 or to correct the inspector's understanding of the answers as alleged in modified alleged Violation I.B.

Memorandum and Order at 2-3 (unpublished).

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PDR ADOCK 03029567
C PDR

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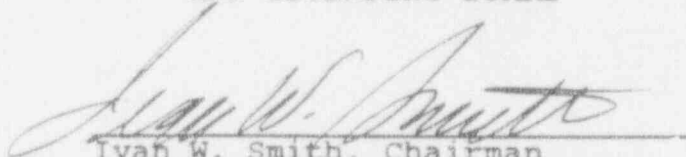
The foregoing was based upon a misreading 10 C.F.R. § 30.9(b) by the Board Chairman. We now understand that Section 30.9(b) itself imposes a regulatory duty upon a licensee to provide materially accurate and complete information when providing license-relevant information to the Commission.

As pertinent to this proceeding, Section 30.9(a) should be read as follows:

Information provided to the Commission . . . by a licensee [or information required by law or license condition to be maintained by an applicant or licensee] shall be complete and accurate in all material respects.

This is essentially the wording of alleged Violation I.B. Therefore, the Board vacates its Memorandum and Order of February 23, 1994 inviting briefs on the Board's question. We also lift the suspension of the time for the Licensee to respond to the Staff's Modified Order imposing civil penalty, dated February 15, 1994. Licensee must respond to the Modified Order on or before March 17, 1994.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



Ivan W. Smith, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

February 25, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

CAMEO DIAGNOSTIC CENTRE, INC.

(Byproduct Material License No.
20-27908-01, EA 93-005)

Docket No.(s) 30-29567-CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O DATED 2/25/94 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
Ivan W. Smith, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

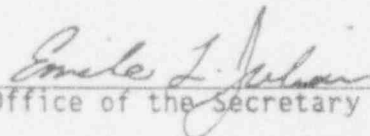
Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Administrative Judge
Charles N. Kelber
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Dated at Rockville, Md. this
28 day of February 1994


Office of the Secretary of the Commission