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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

RELATED CORRESPONDENCE

February 24, 1994

Marcy L. Colkitt
General Counsel
Oncology Services Corporation
P.O. Box 607
Indiana, PA 15701-0607

VIA TELECOPY
AND US MAIL



In the Matter of
Oncology Services Corporation
Byproduct Material License No. 37-28540-01
Docket No. 030-31765-EA

Dear Ms. Colkitt:

Set forth below are responses to the questions raised in your letter dated February 9, 1994, regarding the NRC Staff Status Report on Criminal Referrals to the Department of Justice. These responses have been prepared with the assistance of the NRC Office of Investigations (OI).

1. The matter that was referred to the Middle District of Pennsylvania was declined and, therefore, the subject of such referral has no relevance to the Licensee's ability to respond to the Staff's outstanding discovery requests.
2. The written referral discussed before the Atomic Safety and Licensing Board on January 26, 1994 was, instead, orally referred to the Middle District of Pennsylvania and was declined, as discussed in Roger A. Fortuna's affidavit, at ¶ 5.
3. In your letter, you asked what the Staff meant by the qualifier "at this time" in reference to the denial of prosecution of the matter referred to the Middle District of Pennsylvania and in reference to the statement by OI that there were no other outstanding matters which could impact on the proceeding. Paragraph 5 of Mr. Fortuna's affidavit indicated the status of the referral to the Middle District of Pennsylvania at the time the affidavit was filed. The matter referred to that district was declined. That referral should, therefore, not affect the Licensee's ability to respond to the Staff's outstanding discovery requests. In addition, paragraph 7 of Mr. Fortuna's affidavit reflected the current

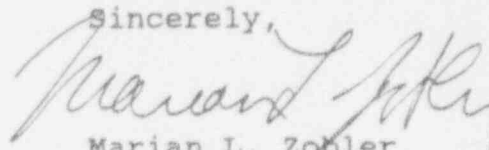
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status of any other issues, not already discussed, which could impact on the proceeding regarding the Suspension Order.

Your question regarding whether there are any other possible criminal referrals and/or actions by any governmental entity related in any way to OSC's By-product Material License No. 37-28540-01 is not relevant to the issue of the ability of the Licensee to respond to the Staff's discovery requests.

I trust that the above responses answer your questions so that the Licensee may meaningfully reply to the Staff's outstanding discovery requests.

Sincerely,



Marian L. Zabler
Counsel for NRC Staff

cc: Service List