

DR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

MAR 11 1994

Docket Nos. 030-31765; 030-03151; 030-00472; 030-33297
License Nos. 37-28540-01; 37-11866-01; 37-02385-01
EA 94-007

David E. Cunningham
(address deleted)

Dear Dr. Cunningham:

SUBJECT: DEMAND FOR INFORMATION

The enclosed Demand for Information (Demand) is being issued to you, Dr. David E. Cunningham, with regard to your performance of and involvement in NRC licensed activities. This Demand is being issued to you in order to assist the NRC in determining whether to grant or deny the license application of Capital Area R.T. Associates, Oakwood Center Radiation Oncology, and whether any enforcement action should be taken against you.

Between August 3, 1990 and April 7, 1993, you were the Radiation Safety Officer named on NRC License No. 37-28540-01 (License), issued to Oncology Services Corporation (Licensee). During that time, in November 1992, at the Oncology Services facility in Indiana, Pennsylvania, a patient was exposed to significant levels of radiation and during subsequent days numerous members of the public were exposed to unnecessary radiation.

Based on information obtained during NRC inspections and investigations, the NRC has serious concerns regarding your performance of and continued involvement in licensed activities and whether you can be relied upon to comply with NRC requirements, given: (1) your apparent failure to provide sufficient oversight and support of licensed activities as Radiation Safety Officer which contributed to the November 1992 event at the Indiana Regional Cancer Center, and (2) your unauthorized removal of licensed material, an iridium-192 source in a brachytherapy remote afterloader, on or about April 23, 1991, from an authorized location inside the facility of the Greater Harrisburg Cancer Center to an unauthorized location outside that facility, and subsequent performance of an unauthorized activity (an experiment) with this source. The above facts are more fully stated in the enclosed Demand.

You are required to respond to the enclosed Demand within 30 days. Should you have any questions on this matter, please

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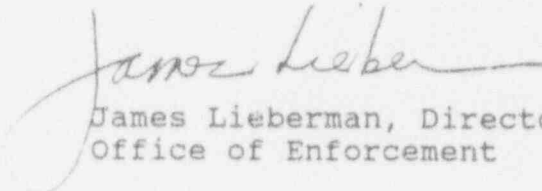
Mr. Cunningham

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contact Ms. Patricia Santiago, Deputy Director for Materials, Office of Enforcement, at (301-504-3055).

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice", a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,


James Lieberman, Director
Office of Enforcement

Enclosure: As Stated

cc w/encl:

PDR

NSIC

Commonwealth of Pennsylvania

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