

ONCOLOGY SERVICES CORPORATION

2171 Sandy Drive • State College, PA • 16803

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(412) 463-3570

April 11, 1994

VIA TELECOPY: 301-504-3725

Marian L. Zabler, Esquire
U.S. Nuclear Regulatory Commission
Office of General Counsel
Washington, D.C. 20555

Re: OSC

Dear Marian:

As a follow-up to our conversation of last week regarding settlement, please advise me of possible dates for a meeting. Because of the continuing litigation we would like to sit down with you on this matter within the next couple of weeks. Please advise me regarding dates.

It is my understanding that all referrals made by the NRC to the Department of Justice regarding the Indiana accident and the complete investigation of OSC have been declined and that no other referrals exist or are currently anticipated. Please confirm this in writing and I will withdraw certain pending discovery objections.

Thank you very much.

Very truly yours,



Marcy L. Colkitt

General Counsel

MLC/sjg

cc: G. Paul Bollwerk, III, Esquire (via telecopy)
Dr. Charles N. Kelber (via telecopy)
Dr. Peter S. Lam (via telecopy)

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April 11, 1994

Anjali A. Ashley, Esquire
U.S. Department of Justice
Civil Division
901 E St., N.W.
Room 905
Washington, DC 20530

Re: Oncology Services Corporation

Dear Ms. Ashley:

The medical director meeting related matters have been produced to the IIT Team and to OI. Those provided to the IIT Team at the time of the accident were our originals and copies were not maintained. Therefore, I would suggest you review those materials carefully. They are in the possession of the NRC.

With respect to those documents produced later to OI, I direct your attention to E000715, E000874, E000875, S-1249, M000860, M000861, M000862, M000863, M000864, M000865, H000652, H000653, E000090, E000091, E000092. None of these documents were redacted. If you have any future questions regarding this matter, please let me know.

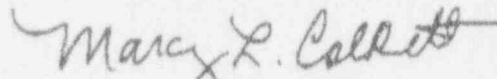
On March 28, 1994 I notified Mr. Kenna that I have made arrangements for him to go to each of the 6 centers and review any personnel-type files that exist there. To date, I have not heard from him. I want to get that accomplished as soon as possible.

Finally, I include herewith a letter from the Assistant U.S. Attorney for the Western District of Pennsylvania indicating that the referral made by the NRC regarding the Indiana incident has been declined. According to the NRC, all three referrals that were made by them have been completely declined by both the appropriate attorneys in the Middle District and the Western

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District. It is my understanding that there are no other pending referrals regarding this matter.

Very truly yours,



Marcy L. Colkitt

General Counsel

MLC/sjg

Enclosure

cc: The Honorable Richard P. Conaboy





U.S. Department of Justice

United States Attorney
Western District of Pennsylvania

and United States Post Office & Courthouse
Pittsburgh, Pennsylvania 15203

412463-2008

April 6, 1994

Barry Letts
Field Office Director
Region I
Nuclear Regulatory Commission
King of Prussia, Pa.

Attention: Investigator Garry Kenna

Re: Dr. Bluer et. al.,; Allegations involving false statements made in connection with the NRC's investigation of the Iridium Source device left in a patient of the Indiana Regional Cancer Center;

Dear Inspectors Letts and Kenna:

I have reviewed the material you submitted to me with respect to the above captioned matter. Having done so, I do not believe that there exists a basis for the bringing of criminal charges with respect to the alleged false statements made during the course of the NRC's investigation of the incident involving the Iridium Source which was left in the body of a patient of the Indiana Regional Cancer Center. As a result, this office is declining prosecution with respect to this particular matter.

Very truly yours,

FREDERICK W. THIRMAN
United States Attorney

CONSTANCE M. BOWEN
Assistant U.S. Attorney