

DOCKETED  
USNRC

'94 MAY 19 P2:34

May 10, 1994

OFFICE OF SECRETARY  
DOCKETING & SERVICE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ONCOLOGY SERVICES CORPORATION	)	Docket No. 030-31765-EA
	)	
(Byproduct Material	)	EA No. 93-006
License No. 37-28540-01)	)	

OSC'S REQUEST FOR PRODUCTION OF DOCUMENTS  
AND INTERROGATORIES DATED MAY 10, 1994

OSC makes the following discovery requests. To the extent the Staff asserts that a privilege attaches to any documents requested, OSC requests that the Staff for each said document specify:

- a. The date of the document;
- b. Who the document was distributed to;
- c. The general subject matter of the document; and
- d. Where the document is presently maintained.

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- 1. Define the following terms and/or phrases:
    - a. "unsupervised HDR treatments"
    - b. "supervised HDR treatments"
    - c. "breakdown of corporate management"

DS03

- d. rely
- e. training
- f. "in-charge of HDR treatment"
- g. "in-service training"
- h. reasonable

2. Identify each and every allegation and/or fact upon which the NRC relied in suspending the license of OSC and for each such allegation and/or fact provide the following, in specificity:

- a. The federal regulation, the license condition and/or any other law which the NRC asserts the licensee violated with respect to said fact or allegation;
- b. The identity of any NRC personnel who will testify about the (i) alleged factual situation and (ii) the application of the relevant federal regulation, license condition and/or any other law which the NRC asserts the licensee violated with respect to said fact or allegation;
- c. The legal theory by which the Staff asserts that the federal regulation, the license condition and/or other law applies with respect to said fact or allegation;
- d. Any and all documents which the NRC will rely on to support those matters identified pursuant to the NRC's response to question 2(a) herein; and
- e. Any and all facts which refute the NRC's allegation of "breakdown of corporate management".

3. Produce any and all documents used by the NRC to answer to interrogatory 2 above.

4. Identify the draftsman of 10 CFR Section 35.404a.

5. Produce any and all documents which relate in any manner, including the handbook and overhead materials or handouts for the following -- "NRC Teletherapy and Brachytherapy Course" given in April 1991 as well as any such similar courses given at any other time since 1990.

6. Identify why the NRC didn't require as a specific OSC license condition that the licensee survey the patient at the conclusion of the treatment.

7. Identify why the NRC did not cite the licensee for Dr. Bauer's failure to survey the patient with a hand held survey meter at the conclusion of the patient's HDR treatment.

8. Identify the individual who allegedly informed Dr. Bauer that the PrimeAlert was flashing.

9. Identify the legal theory upon which the Staff believes that 10 CFR Part 35 applies to the subject matter of the OSC license.

Respectfully submitted,



Marcy L. Zolkitt  
Pa. I.D. No. 53447  
P.O. Box 607  
Indiana, PA 15701-0607  
(412) 463-3570

Joseph W. Klein  
Reed Smith Shaw & McClay  
435 Sixth Avenue  
Pittsburgh, PA 15219

Dated: May 10, 1994

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NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

IN THE MATTER OF:

No. 37-28540-01  
Docket No. 30-31765-EA  
E.A. No. 93-006

ONCOLOGY SERVICES CORPORATION  
BY-PRODUCT MATERIAL LICENSE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Request For Production Of Documents And Interrogatories Dated May 10, 1994 was served on the following this 10th day of May 1994, as indicated:

G. Paul Bollwerk, III, Chairman  
Administrative Judge  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

Dr. Charles N. Kelber  
Administrative Judge  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

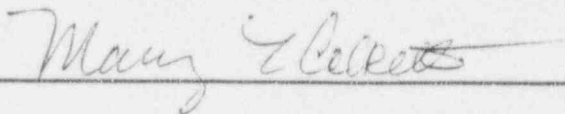
Adjudicatory File (2)  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

Marian L. Zobler  
Michael H. Finkelstein  
U.S. Nuclear Regulatory Commission  
Office of General Counsel  
Washington, DC 20555  
By Mail and By Fax (301-504-3725)

Office of the Secretary (2)  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555  
ATTN: Docketing & Service  
Section

Atomic Safety & Licensing Board  
Panel (1)  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of Commission  
Appellate Adjudication (1)  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

  
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