

DCS



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

JUN 13 1994

Docket No. 030-31765
License No. 37-28540-01
EA 94-088

David J. Moylan, III, M.D.
(address deleted)

Dear Dr. Moylan:

SUBJECT: DEMAND FOR INFORMATION

The enclosed Demand for Information (Demand) is being issued to you, Dr. David J. Moylan, 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 any enforcement action should be taken against you.

Since December 26, 1991, you have been named as an authorized user on NRC License No. 37-28540-01 (License), issued to Oncology Services Corporation (Licensee). During that time, in November 1992, at the Oncology Services Corporation 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. In December 1992, the NRC performed an inspection at the Oncology Services Corporation's Mahoning Valley Cancer Center in Lehigh, Pennsylvania during which the NRC inspectors discussed with you the Oncology Services Corporation license and the involvement of the Radiation Safety Officer, David Cunningham, Ph.D., with the licensed operation at Mahoning Valley Cancer Center, Lehigh, Pennsylvania.

During the December 1992 inspection, you stated that you were not aware that David Cunningham was the Radiation Safety Officer for the Oncology Services Corporation license and that you had not read the Oncology Services Corporation license. These statements were documented in NRC Inspection Report No. 030-31765/92-001 (attached). Subsequently, in a February 8, 1993 response to the January 20, 1993 Order Suspending License (Effective Immediately), Oncology Services Corporation included your "Verified Statement", dated February 4, 1993, which stated that "I never discussed with anyone from the NRC my knowledge regarding the terms and conditions of the License or anything to do with the issue of David Cunningham being the RSO. To the contrary, I am familiar with the terms and conditions of the License and am fully aware that David Cunningham is the named Radiation Safety Officer". This statement conflicts with what you informed the inspectors during the December 1992 inspection.

In addition, you were interviewed by the NRC Office of Investigations on March 19, 1993. During this interview, you first stated that you had told the NRC inspectors that you knew that David Cunningham was the Oncology Services Corporation's Radiation Safety Officer. Later during the interview, you stated that you did not recall having any discussions with the NRC inspectors as to the

9406170361 940613
PDR ADDCK 03031765
C PDR

JEIA
11

Dr. David J. Moylan, III

2

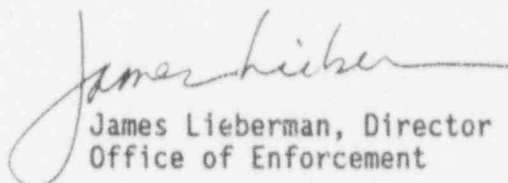
identity of the Oncology Services Corporation Radiation Safety Officer or your knowledge of the terms and conditions of the Oncology Services Corporation license. A copy of the transcript from the Office of Investigations interview was provided to Oncology Services Corporation as indicated in the NRC letter dated March 17, 1994.

Based on the above, the NRC has serious concerns regarding your continued involvement in licensed activities and whether you can be relied upon to comply with NRC requirements, including providing accurate and complete information concerning NRC-licensed activities, given your failure to provide complete and accurate information to the NRC regarding your knowledge of the identity of the Oncology Services Corporation Radiation Safety Officer and the terms and conditions of the Oncology Services Corporation license. Specifically, the Office of Investigations has concluded that you deliberately provided inaccurate information regarding these matters, in a sworn written statement submitted to the NRC and in an interview with NRC investigators. The NRC's concerns are more fully explained 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 contact Ms. Patricia Santiago, Assistant 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

Douglas R. Colkitt, M.D.
President, Oncology Services Corporation
110 Regent Court Suite 100
State College, Pennsylvania 16801