



BYPRODUCTS 30-320/449-90003-EA

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

MAY 18 1993

'93 MAY 20 10:59

Docket No. 999-90003  
EA 92-172

Board Notification  
93-14

MEMORANDUM FOR: Atomic Safety and Licensing Board and  
All Parties

FROM: James Lieberman, Director  
Office of Enforcement

SUBJECT: INFORMATION RELEVANT TO THE ATOMIC SAFETY AND  
LICENSING BOARD (ASLB) IN THE MATTER OF ST.  
JOSEPH RADIOLOGY ASSOCIATES, Inc.

In conformance with the Commission's policy on ASLB notification of new, relevant, and material information, this memorandum calls attention to the information presented below.

On October 16, 1992, the Staff issued an Order, immediately effective, to Joseph L. Fisher, M.D.<sup>1</sup> 57 Fed. Reg. 48404 (October 23, 1992). The Order required Dr. Fisher to transfer all NRC-regulated material in his possession to an authorized recipient within 45 days of the date of the Order. Order at 8. On October 22, 1992, Dr. Fisher challenged the immediate effectiveness of the Order. On November 20, 1992, the Board issued a "Memorandum and Order (Denying Request to Set Aside Immediate Effectiveness of Enforcement Order)," denying Dr. Fisher's request. St. Joseph Radiology Assoc., Inc. (Byproduct Material License No. 24-05592-01), LBP-92-34, 36 NRC 317 (1992).

On January 28, 1993, the Board issued an order directing Dr. Fisher to show cause, by March 1, 1993, why this proceeding should not be dismissed for his failure to comply with the

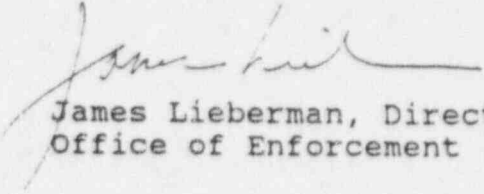
Contact:  
Patricia Santiago, OE  
504-2747

<sup>1</sup> As set forth in the Order, the original license was issued to Dr. Fisher, as an individual, in 1959. Order at 1. In 1969, the license was renewed under the name of Fisher Radiological Group. Id. The license was renewed again in 1980 under the name of St. Joseph Radiology Associates, Inc., the current Licensee. However, St. Joseph Radiology Associates, Inc. is no longer a legal entity. Id.

1005  
2507

requirements of 10 C.F.R. § 2.202(b). Board Order at 3. Dr. Fisher never responded to the Board's order. On March 31, 1993, the Staff filed a motion for dismissal of the proceeding.

On April 26, 1993, the NRC-regulated material was removed. A copy of the letter from the Department of Energy confirming this fact is attached.



James Lieberman, Director  
Office of Enforcement

Enclosure: As stated

cc: A. B. Davis, RIII



Department of Energy  
Washington, DC 20585

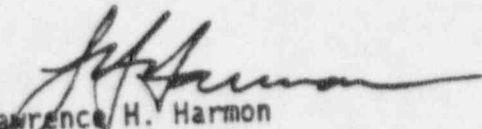
33

U.S. Nuclear Regulatory Commission  
ATTN: Mr. Richard E. Cunningham, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards  
Washington, D.C. 20555

Dear Mr. Cunningham:

The request in your letter dated December 7, 1992, to pick up a teletherapy sealed source in St. Joseph, Missouri, has been completed. The source and the head unit were picked up on April 26, 1993, by Neutron Products, Incorporated.

Sincerely,

  
Lawrence H. Harmon  
Acting Director  
Office of Waste Operations  
Office of Waste Management  
Environmental Restoration  
and Waste Management

4702140139

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ST. JOSEPH RADIOLOGY ASSOCIATES, INC.	)	Docket No. 030-00320
and	)	License No. 24-05592-01
JOSEPH L. FISHER, M.D. d.b.a	)	
ST. JOSEPH RADIOLOGY ASSOCIATES, INC.	)	Docket No. 999-90003
and	)	
FISHER RADIOLOGICAL CLINIC	)	EA 92-172
	)	
(Byproduct Material License	)	
No. 24-05592-01)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "BOARD NOTIFICATION 93-14"  
in the above-captioned proceeding have been  
served on the following by deposit in the United States mail, first class, or as indicated  
by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail  
system, this 31st day of March, 1993.

Thomas S. Moore, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Peter S. Lam\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Office of the Commission Appellate  
Adjudication\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

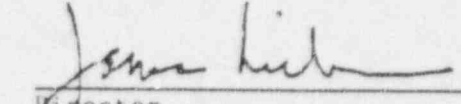
Joseph L. Fisher, M.D., F.A.C.R.  
702 Jules Street  
St. Joseph, Missouri 64501

Dr. George F. Tidey  
Administrative Judge  
6431 Fannin Street  
Suite 3.204  
Houston, TX 77030

Atomic Safety and Licensing Board  
Panel (1)\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Adjudicatory File (2)\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Docketing and Service Section

Office of the Secretary(2)\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Docketing and Service

  
\_\_\_\_\_  
Director  
Office of Enforcement