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

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USNRC

April 13, 1994

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

Dr. Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

In the Matter of
Indiana Regional Cancer Center
Byproduct Material License No. 37-28179-01
Docket No. 030-30485-EA

Dear Administrative Judges:

The Staff hereby informs the Atomic Safety and Licensing Board and the parties to this proceeding of the following information. In "NRC Staff's Response to First Request for Production of Documents and Admissions Directed to the NRC Staff and NRC Staff Motion for a Protective Order," dated March 3, 1994, the Staff indicated that the issue of false statements made by Dr. James E. Bauer was referred to and accepted by the Assistant United States Attorney for the Western District of Pennsylvania (AUSA) as warranting a criminal investigation into possible violations of federal law. Staff's Response at 2.

Since the filing of the Staff's Response, it has come to the Staff's attention that the scope of the matter being investigated by the AUSA has expanded to include an investigation into Dr. Bauer's misuse of the strontium-90 source. Since the scope of the investigation could have an impact on civil discovery in the above-captioned proceeding, the Staff is making this information known to both the Atomic Safety and Licensing Board and the parties in this proceeding.

Sincerely,

Marian L. Zohler
Marian L. Zohler
Counsel for NRC Staff

cc: Service List

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