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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'94 APR 19 P12:10

IN THE MATTER OF HARTSELL S. PHILLIPS

Docket No. IA-94-001

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ASLBP No. 94-690-03-EA

SERVED APR 19 1994

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding.

IN THE MATTER OF HARTSELL S. PHILLIPS

Enforcement Action: IA-94-001

This Board is being established pursuant to the request of Hartsell S. Phillips, formerly employed as the Chief Technologist, Radiation Safety Officer, and Chairman of the Radiation Safety Committee by Logan General Hospital, Logan, West Virginia. Mr. Phillips has been charged with deliberately violating various NRC requirements while an employee at Logan General Hospital. Mr. Phillips requests a hearing regarding an Order issued by the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, dated March 10, 1994, entitled "Order Prohibiting Involvement in NRC-Licensed

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Activities (Effective Immediately)" (59 Fed. Reg. 13346, March 21, 1994). The Order prohibits Mr. Phillips from participation in any respect in any NRC-licensed activities.

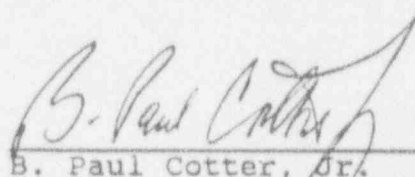
An order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 C.F.R. § 2.701. The Board consists of the following Administrative Judges:

Peter B. Bloch, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Frederick J. Shon
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



B. Paul Cotter, Jr.
Chief Administrative Judge
Atomic Safety and Licensing Board
Panel

Issued at Bethesda, Maryland,
this 18th day of April 1994.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
HARTSELL S. PHILLIPS

Docket No.(s) IA-94-001

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ESTABLISHMENT DATED 4/18/94 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
Peter B. Bloch, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555


Administrative Judge
Frederick J. Shon
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Charles L. Woody, Esq.
Spilman, Thomas & Battle
500 Virginia St., East, #1200 Union Ctr
Charleston, WV 25321

Dated at Rockville, Md. this
19 day of April 1994


Office of the Secretary of the Commission