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DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
IN THE MATTER OF DR. JAMES E. BAUER

'94 JUN -7 P3:17

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. IA-94-011

ASLBP No. 94-696-05-EA

SERVED JUN - 8 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, 2.717 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 DR. JAMES E. BAUER  
Enforcement Action IA 94-011

This Board is being established pursuant to the request of James E. Bauer, M.D., in response to an immediately effective order. On May 10, 1994, the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support issued IA 94-011 to Dr. Bauer, entitled "Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)." 59 Fed. Reg. 25673, May 17, 1994. The Order prohibits Dr. Bauer from being named on any NRC license in any capacity and from otherwise performing licensed activities for a period of five years from the date of this order. For an additional two years,

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Dr. Bauer is required to notify the NRC of any involvement in licensed activities.

Dr. Bauer has been listed as the Radiation Safety Officer and sole authorized user on NRC License No. 37-28179-01 (license) issued to the Indiana Regional Cancer Center (Licensee) located in Indiana, Pennsylvania. By an Order Modifying and Suspending License (Effective Immediately), issued November 16, 1993, the license has been modified to prohibit Dr. Bauer from engaging in activities under the license and to suspend the Licensee's authority to receive and use licensed material.

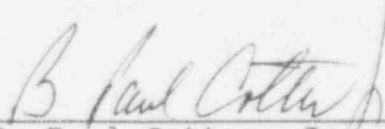
An order designating the time and place of any hearing will be issued at a later date.

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:

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

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

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



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

Issued at Bethesda, Maryland,  
this 6th day of June 1994.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

JAMES E. BAUER

Docket No.(s) IA-94-011

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ESTABLISHMENT DATED 6/6/94 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.

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

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

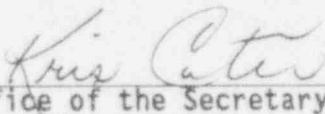
Administrative Judge  
Charles N. Kelber  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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

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

Marcy L. Colkitt, Esq.  
P. O. Box 607  
Indiana, PA 15701

Dated at Rockville, Md. this  
8 day of June 1994

  
Office of the Secretary of the Commission