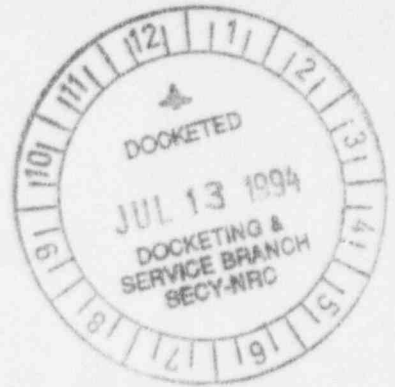


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UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF: : DOCKET NO. IA-94-011  
 :  
 DR. JAMES BAUER : ASLBP No. 94-696-05 EA  
 :  
 (Order Prohibiting Involvement, :  
 in NRC-Licensed Activities) :

REQUEST TO STAY PROCEEDING AND DISCOVERY

INTRODUCTION

Pursuant to the Order (Establishing Schedule for  
 Prediscovery Dispositive Motions and Filings Concerning  
 Consolidation and Discovery) ("Order") of the Atomic Safety and  
 Licensing Board ("Board") dated July 1, 1994, Dr. James E. Bauer  
 ("Dr. Bauer") hereby submits the following Request to Stay  
 Proceeding and Discovery ("Request").

DISCUSSION

1. On July 1, 1994, the Board issued the above-  
 referenced Order which stated in part pertinent to the instant  
 Request, ". . . that each of the parties shall have up to and  
 including Wednesday, July 13, 1994, to submit a filing  
 discussing whether and to what extent discovery in this  
 proceeding can go forward in light of the pending criminal  
 investigation of Dr. Bauer being conducted by the Office of the

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United States Attorney for the Western District of Pennsylvania." See Order at 2.

2. Dr. Bauer strongly opposes any continuation of discovery in this matter during the pendency of any criminal investigation, including any pending criminal investigation conducted by the Office of the United States Attorney for the Western District of Pennsylvania. Accordingly, Dr. Bauer requests that discovery be stayed in the instant matter.

3. Dr. Bauer further requests that no schedule of partial discovery be ordered by the Board. Partial discovery, whenever discovery into certain issues was permitted to go forward while discovery into other issues was stayed, has proved to be unworkable in matters involving the United States Nuclear Regulatory Commission ("NRC") and Oncology Services Corporation ("OSC"). Such partial discovery has proved to be insufficient and time-consuming and generates innumerable problems related to the demarcation as to what does and does not constitute permissible discovery. It engenders more headaches than it is worth.

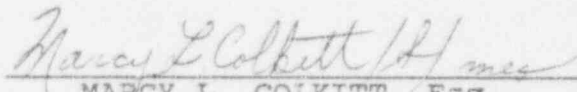
4. Moreover, Dr. Bauer requests that this entire proceeding be stayed during the pendency of any criminal investigation, including any pending criminal investigation considered by the Office of the United States Attorney for the

Western District of Pennsylvania. Dr. Bauer may, as a result of any decision by the Office of the United States Attorney for the Western District of Pennsylvania with regard to the appropriateness of criminal charges, be exonerated as to any aspect of his behavior relating to the November 16, 1992 incident or the use of strontium-90.

5. The NRC Staff will suffer no prejudice if an Order is entered staying this proceeding pending a decision by the Office of the United States Attorney for the Western District of Pennsylvania with regard to the appropriateness of criminal charges.

For the foregoing reasons, the Board should order that this proceeding be stayed in its entirety pending a decision by the Office of the United States Attorney for the Western District of Pennsylvania with regard to the appropriateness of criminal charges against Dr. Bauer.

Dated: July 13, 1994

  
MARCY L. COLKITT, Esq.  
PO Box 607  
Indiana, PA 15701-0607  
Telephone: (412)463-3570  
Pa. Attorney I.D. #53447

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

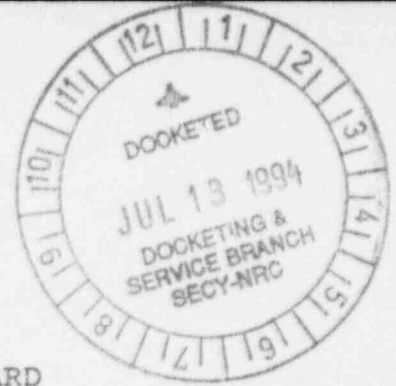
IN THE MATTER OF: : DOCKET NO. JA-94-011  
: :  
DR. JAMES BAUER : ASLBP No. 94-696-05 EA  
: :  
(Order Prohibiting Involvement, :  
in NRC-Licensed Activities) :

ORDER

AND NOW, pursuant to the Request to Stay Proceeding and  
Discovery filed on behalf of Dr. James E. Bauer, it is hereby  
ORDERED, that the proceedings in this matter be stayed  
pending a determination by the Office of the United States  
Attorney for the Western District of Pennsylvania as to the  
appropriateness of criminal charges against Dr. James E. Bauer.

BY THE ATOMIC SAFETY &  
LICENSING BOARD:

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF: : DOCKET NO. JA-94-011  
: :  
DR. JAMES BAUER : ASLBP No. 94-696-05 EA  
(Order Prohibiting Involvement, :  
in NRC-Licensed Activities) :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was furnished to the following by telefax and regular U.S. Mail, the 13th day of July, 1994.

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Administrative Judge  
Atomic Safety & Licensing Bd.  
U.S. Nuclear Regulatory Comm.  
Washington, DC 20555  
Telefax: (301)415-5599

Atomic Safety & Licensing Bd.  
Panel (1)  
U.S. Nuclear Regulatory Comm.  
Washington, DC 20555

Dr. Charles N. Kelber  
Administrative Judge  
Atomic Safety & Licensing Bd.  
U.S. Nuclear Regulatory Comm.  
Washington, DC 20555  
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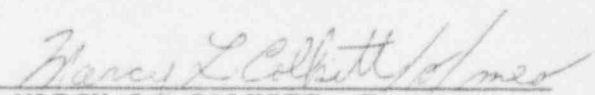
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Adjudicatory File (2)  
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U.S. Nuclear Regulatory Comm.  
Washington, DC 20555

  
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