

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Ann Marshall Young, Chair
Paul B. Abramson
R. Bruce Matthews

In the Matters of:

HIMAT J. SONI

DHIRAJ SONI

Docket No's. IA-08-023, IA-08-022

ASLBP No's. 09-882-02-EA-BD01,
09-881-01-EA-BD01

July 1, 2009

ORDER
(Cancelling July Hearing Dates)

On June 30, 2009, the parties in this proceeding notified the Licensing Board that they (1) are continuing negotiations for settlement of these and related proceedings, (2) have agreed to postpone discovery, and (3) anticipate filing a settlement agreement with the Board "before the proposed July 29, 2009 hearing start date."¹ Given this information, including potential notification whether settlement has succeeded on any date up to and including July 28, and taking into account that, even if settlement negotiations fail, the parties have agreed to postpone to an unstated date in the future any discovery in the proceeding, the Board considers that it will be impossible to prepare adequately for a hearing that would start on July 29, and that it is therefore not reasonable to continue to hold the previously-set hearing dates.

¹ Letter from Molly Barkman to Licensing Board (June 30, 2009).

Consequently, absent good cause shown no later than July 6, 2009, the previously-set hearing dates of July 29-30, 2009, are cancelled, in order that any other matters requiring attention may be scheduled during this time period.²

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 1, 2009³

² The Board actually, in an Order issued May 8, 2009, directed the parties to “on or before Friday, May 29, 2009, notify the Board (a) whether they have settled, or anticipate in the near future settling, either or both of the above-referenced matters; (b) whether they need additional time to work on settlement; (c) of an agreed-upon discovery schedule, including names of deponents and times for depositions; (d) of their proposed schedule for the submission and exchange of witness and exhibit lists; and (e) of all matters on which the parties may be in dispute, stating and explaining these matters specifically and fully.” Order (Confirming Matters Addressed at Pre-Hearing Telephone Conference) (May 8, 2009). Given the parties’ current notification in light of the May 8 order and the matters addressed therein, the Board considers that it is obvious that these proceedings cannot be heard on the previously-set hearing dates.

³ Copies of this Order were sent this date by the agency’s E-Filing system to counsel for all parties in the above-referenced proceedings.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

DHIRAJ SONI

(Enforcement Action)

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Docket No. IA-08-022-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (CANCELLING JULY HEARING DATES) have been served upon the following persons by Electronic Information Exchange.

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Docket No. IA-08-022-EA
LB ORDER (CANCELLING JULY HEARING DATES)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of July 2009