

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

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USNRC

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OFFICE OF THE CLERK
NUCLEAR REGULATORY COMMISSION
ADMINISTRATIVE JUDGES STAFF

SERVED MAR - 5 1998

In the Matter of

MAGDY ELAMIR, M.D.
Newark, New Jersey

Order Superseding Order
Prohibiting Involvement in
NRC-Licensed Activities
(Effective Immediately)

Docket No. IA 97-070

ASLBP No. 98-734-01-EA

March 5, 1998

MEMORANDUM AND ORDER
(Extension of Stay)

By our Memorandum and Order (Deferral Pending Department of Justice Investigation) dated November 18, 1997, we granted the unopposed motion of Dr. Magdy Elamir for a stay of this proceeding pending a Department of Justice criminal investigation into some of the same matters that are at issue in this proceeding. We provided that the stay would extend until March 5, 1998, subject to further extension under specified conditions.

By its terms, the stay will expire today unless extended. We have received no advice as to whether the Department of Justice has completed its criminal investigation. However, on March 3, 1998, Dr. Elamir filed a motion to extend the stay for an additional 90 days (until

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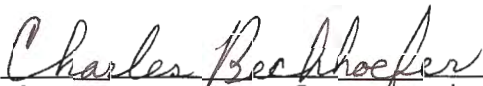
June 1, 1998), or 10 business days from the date the Department of Justice declines prosecution of Dr. Elamir and Newark Medical Associates.

The NRC Staff has not yet had an opportunity to respond to Dr. Elamir's motion. It has 15 days from the date of service of the motion to do so. 10 C.F.R. §2.730(c).

Pending our receipt of the Staff's response and our ruling on Dr. Elamir's motion, this proceeding shall remain stayed.

IT IS SO ORDERED.

For the Atomic Safety and
Licensing Board



Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 5, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

MAGDY ELAMIR, M.D.

(Superseding Order Prohibiting
Involvement in Licensed Activities)

Docket No.(s) IA 97-070

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (EXTENSION OF STAY) 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.

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Dated at Rockville, Md. this
5 day of March 1998


Office of the Secretary of the Commission