

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '98 JUN 23 P2:11

Before Administrative Judges:

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

OFFICE OF THE
RULES
ADJUDICATOR

SERVED JUN 23 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

June 23, 1998

MEMORANDUM AND ORDER
(Stay Pending Settlement Negotiations)

On Monday, June 22, 1998, during a telephone conference, Dr. Magdy Elamir (through counsel) and the NRC Staff jointly requested that this proceeding be stayed to accommodate settlement negotiations between Dr. Elamir and the NRC Staff. They advised that they had reached an agreement in principle but wished to work out several details, before submitting the agreement for approval by the Licensing Board. They expected to submit such an agreement during the week of July 6-10, 1998.

In response to questions from the Board concerning the viability of the hearing dates set for July 14-16, 1998, they advised that they had spent time in their negotiations and that, if they were unable to reach agreement, they would need further discovery prior to the hearing. They agreed

19249

that the July 14-16 hearing dates should be cancelled and acknowledged that, given various schedule conflicts, no hearing could be held (were one to be necessary) prior to September or October, 1998.

Given the foregoing, the discovery and hearing schedule set forth in the Licensing Board's May 1, 1998 Memorandum and Order is hereby vacated. The proceeding is hereby stayed, pending receipt by the Board during the week of July 6-10, 1998 of a settlement agreement between Dr. Elamir and the Staff. If the parties cannot reach final agreement by that time, the Board should be so advised. To the extent necessary, a new discovery and hearing schedule will be established by the Board at a later date.

IT IS SO ORDERED.

For the Atomic Safety and
Licensing Board



Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 23, 1998

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NUCLEAR REGULATORY COMMISSION

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MAGDY ELAMIR, M.D.

(Superseding Order Prohibiting
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Docket No.(s) IA 97-070

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (STAY PENDING...) 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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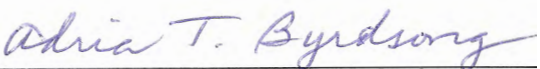
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Dated at Rockville, Md. this
23 day of June 1998


Office of the Secretary of the Commission