



~~RELATED CORRESPONDENCE~~

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FEB 27 1990

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Mr. Robert A. Nersesian
Thav, Gross & Steinway, P.C.
30150 Telegraph Road
Birmingham, Michigan 48010-2958

In the Matter of
Nuclear and Radiological
Imaging Physicians
Byproduct Material License No. 21-24472-01

Dear Mr. Nersesian:

Enclosed are a proposed joint motion to terminate the proceeding, a proposed settlement agreement, and a proposed order. Please review and return the signed documents at your earliest convenience.

Sincerely,
Patricia Jehle
Patricia Jehle
Counsel for NRC Staff

Enclosures: As stated
cc: Service List

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

NUCLEAR AND RADIOLOGICAL
IMAGING PHYSICIANS

(By Product Material License
No. 21-24472-01)

}
Docket No. 030-18655-EA

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ASLB? No. 89-597-01-EA

SETTLEMENT AGREEMENT

On August 23, 1989, the Nuclear Regulatory Commission (NRC) staff issued an Order which suspended the byproduct license of Nuclear and Radiological Imaging Physicians, Inc. (the Licensee) (effective immediately) and which would revoke the license upon a subsequent finding by the Regional Administrator, NRC Region III, that no licensed material remains in the Licensee's possession. The Licensee requested a hearing on the suspension and revocation order on September 12, 1989, and the matter was referred to this Atomic Safety and Licensing Board. The NRC staff and Subhash C. Khullar, M.D., individually and as owner and president of the Licensee, hereby agree as follows:

1. In response to the Suspension and Revocation Order, the Licensee withdraws its request for a hearing dated September 12, 1989 and agrees to a termination of License No. 21-24472-01. Termination is subject to compliance with 10 C.F.R. § 30.36(c). Licensee agrees to submit all information required by Section 30.36(c) and to transfer all licensed material to an authorized recipient within 30 days of this agreement. All other activities under License No. 21-24472-01 remain suspended until the license has been terminated.

2. The Licensee and Subhash C. Khullar do not contest the findings in the Suspension and Revocation Order and the Notice of Violation should the findings be used in considering any future application by the Licensee or Subhash C. Khullar for an NRC materials license or in any other NRC materials licensing proceeding. These findings may be accepted as evidence in any such future license application proceeding, provided however, that the Licensee or Subhash C. Khullar shall not be precluded from offering evidence of explanation, mitigation or changed circumstances. It is acknowledged and understood that any later license application will be evaluated by the Office of Nuclear Material Safety and Safeguards in light of circumstances relevant to the public health and safety.
3. The NRC staff and the Licensee jointly move the Atomic Safety and Licensing Board for an order approving this settlement agreement and terminating this proceeding. This agreement shall become effective upon Board approval.

FOR THE NUCLEAR REGULATORY COMMISSION

Patricia Jehle
Counsel for NRC Staff
Dated this _____ day of January, 1990

FOR SUBHASH C. KHULLAR AND NUCLEAR AND
RADIOLOGICAL IMAGING PHYSICIANS, INC.

Robert A. Nersesian
Thav, Gross & Steinway, P.C.
Counsel for Licensee
Dated this _____ day of January, 1990

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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Docket No. 030-18655-EA

ASLBP No. 89-597-01-EA

ORDER APPROVING SETTLEMENT AGREEMENT
AND TERMINATING PROCEEDING

On January _____, 1990, the parties to this enforcement proceeding, the NRC Staff and Nuclear and Radiological Imaging Physicians, Inc. (Licensee), filed with the Atomic Safety and Licensing Board (1) a Settlement Agreement that had been accepted and signed by both parties, (2) a joint motion requesting the Board's approval of the Agreement and the entry of an order terminating this proceeding, with a proposed Order. The Board has reviewed the Agreement under 10 C.F.R. § 2.203 to determine whether approval of the Agreement and consequent termination of this proceeding is in the public interest. Based upon its review, the Board is satisfied that approval of the Settlement Agreement and termination of this proceeding based thereon is in the public interest.

Accordingly, the Board approves the Settlement Agreement attached hereto and incorporates it by reference into this Order. Pursuant to §§ 81, 161(b), 161(c), 161(i) and 161(o) of the Atomic Energy Act of 1954, as

amended (42 U.S.C. §§ 2111 and 2201(b), (c), (i) and (o)) and 10 C.F.R. § 2.203, the Board hereby terminates this proceeding on the basis of the Settlement Agreement.

THE ATOMIC SAFETY AND LICENSING BOARD

Paul B. Cotter, Jr., Chairman
Administrative Judge

Jerry R. Kline
Administrative Judge

Harry Foreman
Administrative Judge

Dated at Rockville, Maryland
this _____, day of January, 1990.

