

10292

DOCKETED
USNRC

'90 APR 26 P1:55

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before Administrative Judges:

B. Paul Cotter, Jr., Chairman
Dr. Harry Foreman, Member
Dr. Jerry R. Kline

SERVED APR 26 1990

In the Matter of:

NUCLEAR AND RADIOLOGICAL
IMAGING PHYSICIANS

(Byproduct Material License
No. 21-24472-01

Docket No. 030-18655-EA

ASLBP No. 89-597-01-EA

April 26, 1990

ORDER APPROVING SETTLEMENT AGREEMENT
AND TERMINATING PROCEEDING

Upon consideration of a Settlement Agreement filed March 22, 1990 by the parties to this enforcement proceeding, the NRC Staff and Nuclear and Radiological Imaging Physicians, Inc., and a joint motion requesting the Board's approval of the Agreement and the entry of an order terminating this proceeding, and the Board's review of 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, it is this 26th day of April, 1990

9005020267 900426
NMSS LIC30
21-24472-01 PDR

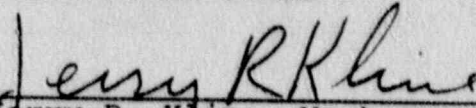
2502

ORDERED

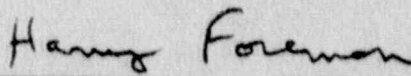
That the Board incorporates by reference and approves the attached Settlement Agreement as serving the public interest; and

That 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.

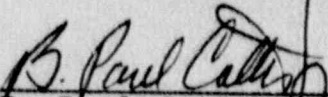
THE ATOMIC SAFETY AND
LICENSING BOARD



Jerry R. Kline, Member
ADMINISTRATIVE JUDGE



Harry Foreman, Member
ADMINISTRATIVE JUDGE



B. Paul Cotter, Jr., Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
April 26, 1990.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
NUCLEAR AND RADIOLOGICAL
IMAGING PHYSICIANS
(ByProduct Material License
No. 21-24472-01)

}
Docket No. 030-18655-EA

}
ASLBP 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

In the Matter of

NUCLEAR AND RADIOLOGICAL IMAGING
PHYSICIANS
(Byproduct Material License No.
21-24472-01 EAB9-06B)

Docket No. (s) 30-18655-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER TERMINATING 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.

Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
B. Paul Cotter, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Harry Foreman
1564 Burton Avenue
St. Paul, MN 55108

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Robert A. Nersesian, Esquire
Counsel for S.C. Khullar and NRIP
Thav, Gross and Steinway
30150 Telegraph Road, Suite 444
Birmingham, MI 48010

Dated at Rockville, Md. this
26 day of April 1990

Patty Henderson

Office of the Secretary of the Commission