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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before Administrative Judges:

John H Frye, III, Chairman
Gustave A. Linenberger
Frank F. Hooper

SERVED OCT 31 1990

In the Matter of
AMERICAN RADIOLABELED
CHEMICALS, Inc.
(Order Suspending License
EA 89-257)

Docket No. 030-20567-*EA*

ASLBP No. 90-603-02-EA

October 30, 1990

MEMORANDUM AND ORDER

This proceeding began as the result of a request for a hearing filed by American Radiolabeled Chemicals, Inc. (ARC) on January 30 in response to the NRC Staff's immediately effective order which suspended ARC's license. Because ARC's license had been suspended, the Board promptly took action to ascertain how quickly a hearing could be held. We were informed that negotiations between ARC and Staff were ongoing.

Those negotiations have continued since the request for a hearing was filed and have resulted in Staff granting partial relief from its order at various points along the way. Finally, on September 5, counsel for ARC informed us that an agreement in principle had been reached resolving the issues which precipitated the proceeding and that, once

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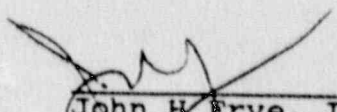
that agreement was made final, he would seek to dismiss ARC's request for a hearing. On October 16, counsel moved to dismiss this proceeding.

The absence of a controversy between ARC and Staff provides a strong reason to dismiss this proceeding. However, 10 CFR § 2.203 provides that any settlement reached between ARC and Staff must be approved by the presiding officer. We cannot fulfill the function of approving the settlement reached by ARC and Staff because we have not been furnished with a copy of it.

Consequently, ARC and Staff are directed to furnish us with a complete copy of the agreement which they have reached within five days of the service of this Memorandum and Order.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



John H. Frye, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
October 30, 1990

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

AMERICAN RADIOLABELED CHEMICALS,
INC.

Docket No. (s) 30-20567-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMO, AND ORDER DTD 10/31 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
John H. Frye, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Bustave A. Linenberger, Jr.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

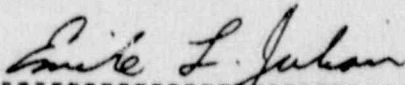
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A. Bert Davis
Regional Administrator
U.S. Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, IL 60137

Dated at Rockville, Md. this
31 day of October 1990



Office of the Secretary of the Commission