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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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Before Administrative Judges:

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

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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

November 5, 1990

MEMORANDUM AND ORDER
(Granting Motion to Dismiss Proceeding)

On October 30, following receipt of a motion to dismiss this proceeding filed by the respondent, American Radiolabeled Chemicals, Inc. (ARC), we entered an order requesting that the settlement agreement between ARC and Staff be supplied to us. We took this step because 10 CFR § 2.203 provides that any settlement or compromise of a proceeding commenced on an enforcement order such as that issued to ARC must be approved by the presiding officer.

Staff counsel responded to our Order by letter of November 1. Counsel advised that there had been no settlement of the order which Staff issued to ARC and supplied a copy of the license renewal issued to ARC on September 13 along with the Staff's cover letter

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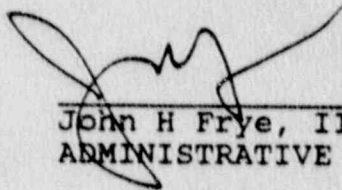
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transmitting the same. That cover letter notes that the issuance of the license renewal rescinds Staff's enforcement order on which ARC had requested a hearing.

A review of the provisions of that enforcement order reveals that it suspended ARC's licenses "...pending resolution of the licensee's [existing] application for renewal...." Consequently, it appears that the Staff's order on which ARC had requested a hearing has been given the effect Staff intended. Staff counsel is correct that there is no settlement to be submitted to the Board. ARC's motion to dismiss this proceeding is granted.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



John H Frye, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
November 5, 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 M&O (GRANTING MOTION TO ...) 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 Etc. 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
Gustave A. Linenberger, Jr.
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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
6 day of November 1990

Patty Henderson

Office of the Secretary of the Commission