

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: U.S. Inspection Services
Pre-Hearing Conference

Docket Number: 30-35059-CivP; ASLBP No.: 04-834-1-CivP

Location: Rockville, Maryland

DOCKETED
USNRC

December 16, 2004 (12:02pm)

OFFICE OF SECRETARY
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ADJUDICATIONS STAFF

Date: Thursday, December 2, 2004

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Pages 1-6

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD
(ASLB)

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PRE-HEARING CONFERENCE

In the Matter of:

U.S. INSPECTION SERVICES

Docket No.
30-35059-CivP
ASLBP No.
04-834-1-CivP

Thursday, December 2, 2004

Hearing Room
Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, Maryland

The above-entitled matter came on for
hearing, pursuant to notice, at 1:30 p.m.

BEFORE:

ANN MARSHALL YOUNG	Chair
ALEX KARLIN	Administrative Law Judge
PETER LAM	Administrative Law Judge

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APPEARANCES:

On Behalf of the Licensee:

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P-R-O-C-E-E-D-I-N-G-S

(1:35 p.m.)

JUDGE YOUNG: Okay, then, let's go on the record. This is Judge Ann Marshall Young. I'm the Chair of the Licensing Board and here with me is Judge Alex Karlin and Judge Peter Lam. And Mr. Woods, why don't you introduce yourself and is there anyone else with you?

MR. WOODS: Yes, Michael Woods, counsel for the NRC staff and with me is Chris Nolan of the Office of Enforcement and Jenny Longo, also of the Office of General Counsel.

JUDGE YOUNG: Thank you, and Mr. Silks, you can introduce yourself and I don't know if you have anyone with you.

MR. SILKS: No, I do not. I'm the Corporate Safety Manager for US Inspection Services headquartered out of Dayton, Ohio.

JUDGE YOUNG: Thank you, and just for the record, I did receive your fax yesterday and the letter from James Bailey, the President of US Inspection Services indicating that you are authorized to represent USIS for this telephone conference.

MR. SILKS: Great.

JUDGE YOUNG: And I don't think that this

1 should take very long. Really, the primary reason we
2 wanted to keep the conference call as scheduled is
3 just to make sure that Mr. Silks -- it does not appear
4 that your a lawyer.

5 MR. SILKS: No.

6 JUDGE YOUNG: We just wanted to make sure
7 that you understood that by withdrawing, that you're
8 in effect, giving up your right to a hearing so that
9 I don't know what agreement you have with the staff or
10 whether that's still in process or whether it's
11 completely finalized but we did want to make sure that
12 you understood that this would end your right to a
13 hearing on this Notice of Violation.

14 MR. SILKS: Yes, we do understand that and
15 what happened was probably more an act of mis-
16 information or a lack of knowledge about what we were
17 getting into. I sort of had a pretty good idea but
18 once the letters started rolling in, with the names of
19 Judges and so forth on them, I think it kind of took
20 the upper management back a little bit and they were
21 -- in their thinking, the hearing was an informal
22 thing. I knew that it wasn't quite an informal thing,
23 but I guess I didn't understand the extent of it
24 myself and whenever they realized what we were doing,
25 they said that, you know, that was not their intent

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1 and they were looking for more of an informal
2 gathering so that we could explain our position a
3 little better but, yes, we do understand that this
4 waives our right and we actually, as soon as, you
5 know, we're told how to, we're ready to make the
6 payment as well of the fine.

7 JUDGE YOUNG: All right, well, that sounds
8 pretty clear. Mr. Woods, do you have anything to add?

9 MR. WOODS: No, that's consistent with our
10 understanding.

11 JUDGE YOUNG: Judge Karlin?

12 JUDGE KARLIN: No, that's fine.

13 JUDGE YOUNG: We appreciate your taking
14 the time to be with us today and I think to just
15 finalize everything, once you come up with a written
16 agreement, I think you said you were going to -- no,
17 you didn't. I guess we can just enter an order
18 approving your withdrawal and indicating that the
19 proceeding is terminated.

20 MR. SILKS: Okay.

21 JUDGE YOUNG: Okay, thank you all.

22 MR. SILKS: I have more question.

23 JUDGE YOUNG: Pardon.

24 MR. SILKS: I just have one more question.

25 As far as the payment goes, will I receive another

1 letter or should I take the last one that I go and go
2 ahead and follow the procedures according to that last
3 letter?

4 JUDGE YOUNG: I think that's probably
5 between you and Mr. Woods.

6 MR. SILKS: Okay.

7 JUDGE YOUNG: And I don't think that that
8 needs to be on the record.

9 MR. SILKS: Okay.

10 JUDGE YOUNG: We're going to go ahead and
11 terminate this proceeding. I think when we hang up,
12 you probably will have to call back to get on the line
13 with Mr. Woods again.

14 MR. SILKS: Okay.

15 MR. WOODS: Okay.

16 JUDGE YOUNG: Anything else?

17 (Whereupon, at 1:40 p.m. the above
18 entitled matter concluded.)

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CERTIFICATE

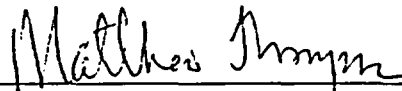
This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of:

Name of Proceeding: U.S. Inspection Services
Pre-Hearing Conference

Docket Number: 30-35059-CivP;
ASLBP No. 04-834-1-CivP

Location: Rockville, MD

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Matthew Thompson
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