

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

B. Paul Cotter, Jr., Chairman  
Dr. Richard F. Cole  
Dr. Thomas S. Elleman

DOCKETED  
USNRC

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SERVED SEP -9 1997

In the Matter of  
  
BARNETT INDUSTRIAL X-RAY, INC.  
  
(Stillwater, Oklahoma)

Docket No. 030-30691-CivP

ASLBP No. 97-730-02-CivP

September 8, 1997

MEMORANDUM AND ORDER  
(Prehearing Conference)

On September 3, 1997, a telephone Prehearing Conference was held in the captioned case for the purpose of simplifying and clarifying issues, identifying witnesses, setting a hearing schedule, and resolving such other matters as would be necessary to proceed with the hearing. See 10 C.F.R. § 2.752 (1997). Judge Elleman and counsel for both parties participated by telephone.

The parties had agreed that they wish to change the schedule announced in this Board's August 21, 1997, memorandum and order,

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to allow for settlement discussions and to eliminate prefiled testimony. The parties also announced their witnesses. Staff intends to rely solely on the testimony of Joseph DelMedico and Counsel for Barnett will present Loyd Barnett, owner of the appellant, and one or two other witnesses.

After the close of the hearing, Mr. Bachmann, counsel for the Staff called the Chairman of the Board on behalf of both parties on September 8, 1997, to report that the Staff's witness would not be Mr. DelMedico, but rather would be one Nader Mamish.

In viewing the transcript of the Prehearing Conference a few typographical areas were noted. The corrections are appended hereto as Attachment A. If the parties have any additional corrections they wish made, they should notify the Board.

For all the foregoing reasons and upon consideration of the entire record in this matter, it is, this 8th day of September 1997

ORDERED

1. That the schedule in the captioned proceeding is as follows:

October 14, 1997

Discovery concludes;

October 22, 1997

Parties jointly notify the

Board whether they have

settled the case;

November 5, 1997

Hearing begins:

2. That the hearing shall commence at 10:00 a.m. on  
Wednesday, November 5, 1997, in or near Stillwater, Oklahoma at a  
place to be designated.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD



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B. Paul Cotter, Jr., Chairman  
ADMINISTRATIVE JUDGE

Issued at Rockville, Maryland

September 8, 1997

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Attachment A

Citation

Transcript Text

Correction

p. 5 l. 14

abusive discretion

abuse of discretion

p. 8 l. 8

any answer

any objection

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

BARNETT INDUSTRIAL X-RAY, INC.

(Order Imposing Civil Monetary  
Penalty)

Docket No.(s) 30-30691-CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (PREHEARING CONFERENCE) 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.

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Washington, DC 20555

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Loyd Barnett, President  
Barnett Industrial X-Ray, Inc.  
P.O. Box 1991  
Stillwater, OK 74076

Dated at Rockville, Md. this  
9 day of September 1997

*Adria T. Byrdson*  
Office of the Secretary of the Commission