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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY  
MAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of )

BARNETT INDUSTRIAL X-RAY, INC. )

Docket No. 030-30691-CivP

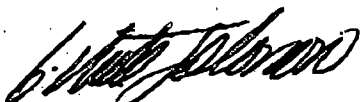
(Stillwater, Oklahoma) )

JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT

The parties to the above-captioned proceeding, the staff of the Nuclear Regulatory Commission (Staff) and Barnett Industrial X-Ray, Inc. (Licensee), jointly move the Atomic Safety and Licensing Board (Board) to approve the Joint Settlement Agreement attached to this Joint Motion, pursuant to 10 C.F.R. § 2.203 of the Commission's regulations. The parties submit that this Settlement Agreement is in the public interest. The parties request that the Board, in accordance with 10 C.F.R. § 2.203, enter an order terminating this proceeding, embodying the terms of the Settlement Agreement without any finding with respect to any fact in dispute between the parties, or any resolution of any dispute arising from the order issued to Barnett Industrial X-Ray, Inc.

Respectfully submitted,

FOR BARNETT INDUSTRIAL X-RAY, INC.

G. Michael Solomon  
Counsel for Barnett Industrial X-Ray, Inc.

FOR THE NRC STAFF

Richard G. Bachmann  
Counsel for NRC staffDated this 15<sup>th</sup> day of October, 1997

SECY-EHD-006

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
BARNETT INDUSTRIAL X-RAY, INC.	)	Docket No. 030-30691-CivP
	)	
(Stillwater, Oklahoma)	)	

JOINT SETTLEMENT AGREEMENT

On May 23, 1997, the staff of the Nuclear Regulatory Commission (Staff) issued an "Order Imposing Civil Penalty" (Order) to Barnett Industrial X-Ray, Inc. (Barnett). 62 Fed. Reg. 30,346. In its Order, the Staff charged three violations of the Commission's regulations governing radiography and levied a fine of \$4,000. On June 16, 1997, Barnett requested a hearing. On July 14, 1997, an Atomic Safety and Licensing Board (Board) was established to preside in the proceeding.

The Staff and Barnett agree that it is in their respective interests and in the public interest to settle the enforcement action and agree to the following terms and conditions:

1. Barnett withdraws its request for a hearing.
2. Barnett agrees to pay a civil penalty in the amount of \$2,500.00 in four installments, to be paid in accordance with paragraph 4 of this Settlement Agreement.
3. If any installment remains unpaid for a period of thirty (30) days or more, the Staff may, in its discretion, consider this Settlement Agreement as materially breached. In the event of a breach of this Settlement Agreement, the full amount of the civil penalty imposed on Barnett, \$4,000 (plus interest and administrative charges, less

any payments already made hereunder), will become due. In this event, Barnett agrees to waive any right to contest or seek review of the imposition of the civil penalty before the NRC or in any court.

4. Barnett agrees to make payments in four installments, with an installment every six months. The first payment is to be received thirty days after this Settlement Agreement has become final agency action (unless such day falls on a Saturday, Sunday or federal holiday, in which case payment is to be received by the next business day), plus interest on the unpaid principal balance accruing at the rate of 5 percent per year, as well as an administrative charge of \$10.00 per month. Subsequent payments shall be received by the first day of the month upon which payment is due as shown in the schedule in this paragraph. Payments shall be made payable to the United States Treasury and received at the address below until the principal sum and all interest and other charges assessed under the provisions of this Settlement Agreement have been fully paid.

Payments will be mailed or otherwise delivered to the following address:

U.S. Nuclear Regulatory Commission  
Office of Enforcement  
Attn; James Lieberman  
Mail Stop O-7H5  
Washington, DC 20555-0001

The following is a schedule of monthly installments:

BARNETT X-RAY  
INVOICE NUMBER EA 96-502

PAYMENT NUMBER	PAYMENT DATE *	TOTAL PAYMENT	INTEREST AMOUNT	ADMIN. AMOUNT	PRINCIPAL AMOUNT	REMAINING BALANCE
BEGINNING BALANCE	.....	.....	.....	.....	.....	\$2,500.00
1		725.00	10.42	60.00	654.58	1,845.42
2		725.00	7.69	60.00	657.31	1,188.11
3		725.00	4.95	60.00	660.05	528.06
4		590.26	2.20	60.00	528.06	0
TOTAL		\$2,765.26	\$25.26	\$240.00	\$2,500.00	

\* The payment dates will be determined when the Settlement Agreement is approved by the Licensing Board. At that time, the NRC Office of Enforcement will inform Barnett of the dates by letter.

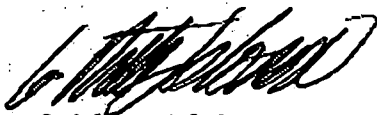
5. In the event of a material breach of this Settlement, Barnett agrees to pay all reasonable collection costs, court costs, and attorney's fees incurred by the Nuclear Regulatory Commission and/or the United States for any appropriate collection actions taken by the Nuclear Regulatory Commission and/or the United States. However, in no event will these costs exceed 5% of the total civil penalty imposed.

- 4 -

6. Failure or failures by the Staff to exercise any right in this Settlement Agreement with respect to a material breach shall not be construed as a waiver of its right to exercise the same or any other right at any time thereafter.
7. The provisions of this Settlement Agreement may not be changed except by a prior written agreement which specifies the agreed-upon changes and which is signed by the Staff and Barnett.
8. The parties agree and understand that this Settlement Agreement is only binding on the NRC and Barnett and relates only to NRC's authority to take civil enforcement action. This Settlement Agreement shall be binding upon the legal representatives, successors and assigns of Barnett.
9. The Staff and Barnett shall jointly move the Atomic Safety and Licensing Board designated in the above-captioned proceeding for an order approving this Settlement Agreement and terminating the proceeding.

In Witness Whereof, the parties have caused this Settlement Agreement to be executed by their authorized representatives.

FOR BARNETT INDUSTRIAL X-RAY, INC.



G. Michael Solomon  
Counsel for Barnett Industrial X-Ray, Inc.

FOR THE NRC STAFF



Richard G. Bachmann  
Counsel for NRC staff

Dated this 15<sup>th</sup> day of October, 1997

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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of )  
)  
BARNETT INDUSTRIAL X-RAY, INC. ) Docket No. 30-30691-CivP  
)  
(Stillwater, Oklahoma) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT" and "JOINT SETTLEMENT AGREEMENT" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, as indicated by asterisk or through deposit in the Nuclear Regulatory Commission's internal mail system this 16th day of October, 1997:

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

Dr. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Thomas S Elleman\*  
704 Davidson Street  
Raleigh, NC 27609

Loyd Barnett\*  
Barnett Industrial X-Ray, Inc.  
P.O. Box 1991  
Stillwater, Oklahoma 74076

Office of the Commission Appellate  
Adjudication  
Mail Stop: 16-G-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary  
ATTN: Rulemaking and Adjudications  
Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Adjudicatory File (2)  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

G. Michael Solomon, Esq.  
711 South Husband St.  
P.O. Box 1507  
Stillwater, OK 74076

Atomic Safety and Licensing Board  
Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

A handwritten signature in black ink, appearing to read 'R. G. Bachmann', written over a horizontal line.

Richard G. Bachmann  
Counsel for NRC Staff