

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

'98 JUN -1 P2:30

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of

CONAM INSPECTION, INC.

(Order Imposing Civil Monetary Penalty)

Docket No. 30-31373-CivP

ASLBP No. 98-735-01-CivP

CONAM'S MOTION TO POSTPONE HEARING

Conam Inspection, Inc. ("Conam"), by its attorneys, moves the hearing panel of the Atomic Safety and Licensing Board to postpone the hearing now set for June 23-25, 1998. In support thereof, Conam states as follows:

1. Hearing in this matter is set for June 23-25, 1998 in Chicago.
2. Until recently, Conam's only counsel in this matter has been Clifton A. Lake, of the firm of McBride Baker & Coles.
3. On March 18, 1998, Mr. Lake was injured in Memphis, Tennessee. He was riding in a rental car shuttle van near the Memphis airport. A cement truck ran a red light and hit the shuttle van broadside. Mr. Lake was thrown through the window of the shuttle van and onto the pavement 15 feet away.
4. Mr. Lake suffered no broken bones as a result of the accident. He was diagnosed as having a moderate-to-serious intra-cranial bleeding, along with a wide variety of contusions and abrasions. Mr. Lake experienced extreme blurring of vision and dizziness, the latter as a result of inner ear damage.

SECY-EHD-006

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5. Mr. Lake was completely unable to work from March 18 through April 8, 1998. During this time period, NRC Office of Enforcement was very accommodating to Mr. Lake, agreeing to postpone five scheduled depositions while he recovered. The depositions were rescheduled to take place May 12 and 13, 1998.

6. Beginning April 9, 1998, Mr. Lake gradually returned to work. Initially, he came into the office for a short time two or three days a week. His recovery has not been as fast as Mr. Lake hoped or expected. He continued to experience blurred vision and dizziness, as well as pain in his back and neck. As a result, rather than postpone again the depositions that had been rescheduled to begin May 12, 1998, Mr. Lake enlisted one of his partners, Malcolm H. Brooks, to fill in for him. It was Mr. Lake's expectation that he would be sufficiently recovered to conduct the hearing June 23-25.

7. On May 19, however, Mr. Lake's orthopedic surgeon arranged for MRI images of Mr. Lake's neck and back. Those images show bulging discs, and an impingement on the spinal column. These account for Mr. Lake's continuing pain and lack of range of motion. Mr. Lake continues to experience dizziness and blurred vision, and has not been able to return to work on a full-time basis. For this reason, he has requested that Mr. Brooks assume primary responsibility for conducting the hearing before this panel on Conam's behalf.

8. Mr. Brooks, however, had a previously-scheduled vacation planned for the week of June 22, 1998 (fishing trip with daughter). That vacation involves non-refundable airline tickets and a non-refundable deposit on a lodge.

9. Mr. Brooks is available to conduct the hearing for Conam on nearly any other dates except July 23 through August 3, 1998, when he is scheduled to be out of the country on business.

10. Conam notes here that, simultaneous with filing this Motion, it is also filing a motion with respect to issues regarding admissibility of Conam's weighted dose calculations. That motion asks that the panel consider and decide the admissibility question in advance of any hearing.

WHEREFORE, Conam respectfully requests that the panel continue the hearing presently scheduled for June 23-25, 1998.

Respectfully submitted,

CONAM INSPECTION, INC.



Clifton A. Lake, Esq.
Malcolm H. Brooks, Esq.
Counsel for Conam Inspection, Inc.

Dated at Chicago, Illinois
this 29th day of May, 1998.

Clifton A. Lake, Esq.
Malcolm H. Brooks, Esq.
McBride Baker & Coles
500 West Madison, 40th Fl.
Chicago, IL 60661-2511
(312) 715-5700
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CERTIFICATE OF SERVICE

I hereby certify that copies of **CONAM'S MOTION TO POSTPONE HEARING** in the above-captioned proceeding have been served the following by sending the attached via Federal Express® on the 29th day of May, 1998.

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Fax: (301) 415-5599

Charles A. Barth
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Washington, D.C. 20555
Fax: (301) 415-3725

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Fax: (301) 415-5599

Regional Administrator
U.S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, Illinois 60532

Mr. Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Fax: (301) 415-5599

Office of Commission Appellate
Adjudication
Mail Stop: O-16 G15
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Board Panel
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Secretary (2)
Attn: Rulemakings and Adjudications Staff
Mail Stop: O-16 G15
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dennis C. Dambly
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Washington, D.C. 20555
Fax: (301) 415-3725



Clifton A. Lake, Esq.
Counsel for Conam Inspection, Inc.

Dated: May 29, 1998