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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF GENERAL COUNSEL  
RULEMAKING AND  
ADJUDICATION STAFF

Before Administrative Judges:  
Peter B. Bloch, Presiding Officer  
Dr. Richard F. Cole, Administrative Judge  
Frederick J. Shon, Administrative Judge

**SERVED** MAR 20 1998

In the matter of  
  
POWER INSPECTION, INC.

Docket No. 30-20644-civP

Re: Order Imposing  
Civil Monetary Penalty

ASLBP No. 98-737-02-CivP

MEMORANDUM AND ORDER  
(Scheduling)

This Licensing Board was established by Order of Chief Administrative Judge B. Paul Cotter, Jr., on March 17, 1998, with respect to a Request for Hearing dated March 2, 1998, and submitted personally (without an attorney) by Paul E. Chambers. Since the "Order Imposing Civil and Monetary Penalties" (EA 95-025) issued against Power Inspection, Inc. in this docket on February 3, 1988, is addressed to Mr. Chambers, and since his response appears to be timely, he has a right to a hearing pursuant to 10 CFR § 2.205(e). A hearing is therefore *granted*.

The regulations provide, in 10 CFR § 2.205(b) that the answer to the notice of violation:

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shall state any facts, explanations, and arguments, denying the charges of violation, or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

Although we have not been served with Mr. Chambers's answer, it is the notice of violation and the answer that together define the issues to be tried before us. To make sure that Mr. Chambers has an opportunity to include in the trial those issues important to his defense, he may amend his answer by a document *received* by all people on whom it is required to be served (see below) no later than 5:00 p.m. on March 31, 1998. The Staff of the Commission (Staff) will have fifteen days to respond to an amended petition. If Mr. Chambers prefers not to amend his response, then he may notify us by a document that is properly served and we will consider advancing the prehearing conference date (set immediately below).

We will hold a telephone prehearing conference on April 14, 1998 at 2:15 p.m. EDT. Unless the Board grants a motion to change the time of this conference, parties are required to attend. Prior to April 14, parties will notify the Board concerning the telephone number at which they may be reached for the conference. At the conference, we will set schedules for discovery, for further prehearing conferences that may be needed, for the identification of documents and witnesses, and the schedule and location of the hearing. Other matters may be added to the agenda on motion of the parties. Parties are encouraged (but not required) to confer and to reach an agreement prior to the conference so that these matters may be resolved by consent.

In this proceeding, in accordance with the authority granted by 10 C.F.R. § 2.718, we set forth the following additional directives:

I. Administrative Matters

A. Notice of Appearance. If they have not already done so, within ten days of the date of this memorandum and order, each counsel or representative for each participant will file a notice of appearance complying with the requirements of 10 C.F.R. § 2.713(b).

B. Service on the Board. For any pleading or other submission filed before the Board or the Commission in this proceeding, in addition to submitting an original and two conforming copies to the Office of the Secretary as required by 10 C.F.R. § 2.708(d) and serving a copy on each participant in accordance with section 2.701(b), one conforming copy should be served on each Board member in accordance with the following instructions:

1. Regular Mail. To complete service via United States Postal Service first-class mail, a conforming copy should be sent to each Board member at the following address:

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

For regular mail service, the Staff of the U.S. Nuclear Regulatory Commission (Staff) may use the NRC internal mail system (Mail Stop T-3F23) in lieu of first-class mail.

2. Overnight or Hand Delivery. To complete service by overnight (e.g., express) mail or hand delivery, a conforming copy should be sent to each Board member at the following address:

Atomic Safety and Licensing Board Panel  
Third Floor, Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852

3. Facsimile Transmission. To complete service by facsimile transmission (1) one copy should be sent by facsimile transmission to the attention of the Board members at (301) 415-5599 (verification to Janice Hester, 301-415-7405), and (2) a conforming copy should be sent on the same day to each Board member by regular mail at the address given in paragraph I.B.1 above.

4. E-mail. To complete service on members of the Licensing Board by E-mail transmission the filing (which should include the certificate of service) should be sent so that it may be received as a WordPerfect file attached to a Mail Message directed to all Board members (Peter B. Bloch, pbb@nrc.gov; Richard F. Cole, rfc1@nrc.gov; and Frederick J. Shon, fjs@nrc.gov) (verification that the documents have been properly received shall be accomplished by calling Janice Hester, 301-415-7405); (2) any attachments or exhibits to a pleading that cannot be transmitted by E-mail should be sent to the Board by a separate facsimile transmission or other means that will ensure receipt by the due date; and (3) a paper conforming copy should be mailed that same day to each Board member by regular mail or the equivalent at the address given in paragraph I.B.1 above.

5. Timely Service by Hand Delivery, Facsimile Transmission, or E-mail. To be timely, any pleading or other submission served on the Board by hand delivery, facsimile transmission, or E-mail must be received by the Board no later than 4:30 p.m. Eastern Time on the date due.

C. Motions for Extension of Time. For any motion for extension of time filed with the Board in this proceeding, except upon a showing of good cause, the moving participant shall:

1. Ascertain whether and when any other participant intends to oppose or otherwise respond to the motion and apprise the Board of that information in the motion; and

2. Provide the motion to the Board at least three business days before the due date for the pleading or other submission for which an extension is sought.

D. Exhibits/Attachments to Filings. If some participant files a pleading or other submission with the Board that has additional documents appended to it as exhibits or attachments, a separate alpha or numeric designation for each appended document (e.g., Exhibit 1; Attachment A) should be given to each appended document, either on the first page of the appended document or on a cover/divider sheet in front of the appended document.

## II. Referenced Documents

On or before Friday, April 10, 1998, the staff should provide each of the Board members and parties, if they have not previously received them, with copies of the following documents that are referenced in the staff's civil penalty order:

Mr. Chambers' letter dated May 13, 1997, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) . . . ; and Mr. Chambers letters dated October 28, 1997 and January 6, 1998 (submitted by his counsel, Mr. Manifesto).

For the purpose of having a complete official record, we also request that copies of the Order Imposing Civil Monetary Penalties and the relevant Investigation Report, should be served within a reasonable time on the ASLBP and on the Secretary. We note that the individual judges and the other interested parties have already been sent or have obtained these two documents, which are a matter of public record.

It is so ORDERED, this 20th day of March, 1998.

THE ATOMIC SAFETY AND LICENSING BOARD

  
Peter B. Bloch, Chairman  
ADMINISTRATIVE JUDGE

  
Dr. Richard F. Cole  
ADMINISTRATIVE JUDGE

  
Frederick J. Shon  
ADMINISTRATIVE JUDGE

Rockville, Maryland

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

POWER INSPECTION, INC.

(Order Imposing Civil Monetary  
Penalty)

Docket No.(s) 30-20644-CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB SCHEDULING ORDER DTD 3/20 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.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Peter B. Bloch, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

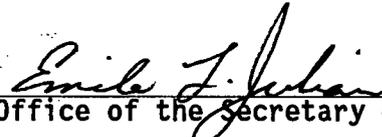
Administrative Judge  
Frederick J. Shon  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Lawrence J. Chandler, Esq.  
Office of the General Counsel  
Mail Stop - 0-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Paul E. Chambers  
Power Inspection, Inc.  
c/o PEC Contracting Engineers  
P.O. Box 7872  
Pittsburgh, PA 15215

Krishna Kumar  
Power Inspection, Inc.  
c/o William F. Manifesto, Esq.  
1550 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

Dated at Rockville, Md. this  
20 day of March 1998

  
Office of the Secretary of the Commission