

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '97 SEP 17 A9:51

Before Administrative Judges:

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED SEP 17 1997

In the Matter of

BARNETT INDUSTRIAL X-RAY, INC.

(Stillwater, Oklahoma)

Docket No. 030-30691-CivP

ASLBP No. 97-730-02-CivP

September 17, 1997

NOTICE OF HEARING

Notice is hereby given that, by Memorandum and Order dated September 8, 1997, the Atomic Safety and Licensing Board has granted the request of Barnett Industrial X-Ray, Inc. for a hearing in the captioned proceeding. The hearing concerns the Order Imposing a Civil Monetary Penalty, issued by the NRC Staff on May 23, 1997 and published in the Federal Register at 62 Fed. Reg. 30347 (1997). The parties to the proceeding are the Licensee and the NRC Staff.

The issues to be considered at the hearing are: (1) whether the violations represent a security Level 2 matter in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600 (July 1995); and, (2) whether a \$4,000.00 civil penalty is warranted in light of the mitigating actions taken by the Licensee.

SECY-EHD-007

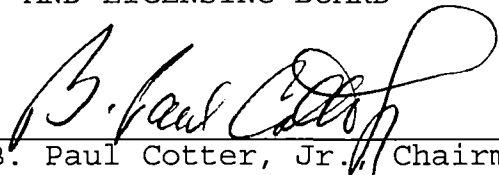
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Materials concerning this proceeding are on file at the Commission's Public Document Room, 2120 L St. N.W., Washington, D.C. 20555, and at the Commission's Region IV Office, Harris Tower, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064.

During the course of this proceeding, the Licensing Board, as necessary, may conduct one or more prehearing conferences. The time and place of these sessions, which will be open to the public, will be announced in later Licensing Board Orders. The evidentiary hearing will be held in Stillwater, Oklahoma on November 5, 1997, at 10:00 a.m. in the Payne County Courthouse, 606 S. Husband Street.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



B. Paul Cotter, Jr. Chairman
ADMINISTRATIVE JUDGE

Issued at Rockville, Maryland

September 17, 1997

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 NOTICE OF HEARING DTD 9/17 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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Dated at Rockville, Md. this
17 day of September 1997

Adrian T. Byrdsong
Office of the Secretary of the Commission