

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USMRC

ATOMIC SAFETY AND LICENSING BOARD '98 AUG 31 A11 :22

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber

OFFICE OF SECRETARY,
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of

Conam Inspection, Inc.
Itasca, Illinois
(License No. 12-16559-01)

Order Imposing Civil Monetary
Penalty

Docket No. 30-31373-CivP

ASLBP No. 98-735-01-CivP

EA 97-207

August 31, 1998

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MEMORANDUM AND ORDER
(Telephone Conference, August 27, 1998)

On Thursday, August 27, 1998, the Atomic Safety and Licensing Board convened a telephone conference, in the nature of the prehearing conference prior to the evidentiary hearing (scheduled to commence September 14, 1998) authorized by 10 C.F.R. § 2.752. Participating were Administrative Judges Bechhoefer, Cole and Kelber; Malcolm H. Brooks, Esq. and Clifton A. Lake, Esq., for the Licensee, Conam Inspection, Inc.; and Charles A. Barth, Esq., and Dennis C. Dambly, Esq., for the NRC Staff.

1. Schedule for witnesses. The major purpose of the conference was to ascertain the order and tentative length of appearance of various witnesses, to determine on what date and at what time each witness is likely to testify. (Prefiled testimony is not being required in this

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proceeding, and has not been requested for any particular witness, as is permissible.) The hearing is scheduled to commence at 9:30 a.m. CDT on September 14, 1998, and to continue beginning at 9:00 a.m. CDT on subsequent days, at Room LLA, Federal Building, 536 S. Clark Street, Chicago, IL 60610.

The NRC Staff, which bears the burden of proof as well as going forward, will lead off with its witnesses on September 14. The Staff witnesses, and their tentative schedules, will consist of:

1. William J. Chastain, Monday September 14, 1998, 9:30 a.m.
2. Robert Slack, Monday, September 14, 1998, 3:00 p.m., and Tuesday morning, September 15, 9:00 a.m.
3. Monte P. Phillips, Tuesday afternoon, September 15, 1:30 p.m..
4. Thomas F. Young, Wednesday morning, September 16, 9:00 a.m.
5. Geoffrey West, Wednesday morning, September 16, 11:30 a.m.
6. Nader L. Mamish (or, alternatively, James Lieberman), Wednesday afternoon, September 16, 2:00 p.m.
7. Dr. Donald A. Cool, Thursday morning, September 17, 9:00 a.m.

Thereafter, the Licensee's witnesses will proceed on the following schedule:

1. Arnie Morrell, Thursday morning, September 17, 11:00 a.m.
2. Robert Slack, Thursday afternoon, September 17, 2:00 p.m.
3. Randy Sweet, Thursday, September 17, 4:00 p.m.
4. Steven Fay, Friday morning, September 18, 9:00 a.m.
5. Carol D. Berger, Friday morning, September 18, 11:00 a.m.
6. Mike Creech (tentative), Friday afternoon, September 18, 2:30 p.m.

To the extent that the Staff needs to present rebuttal witnesses, it would do so on Friday afternoon, September 18. As a goal, the Licensing Board will seek to conclude the hearing by 4:00 p.m. on Friday, September 18. On other days, the Board would seek to conclude testimony each day by 5:00 or 5:30 p.m., except that, to the extent necessary to conclude the testimony of particular witnesses before the end of a hearing day, the Board would anticipate keeping the hearings in session until as late as 6:30 p.m.

2. Other matters.

(a) In our Memorandum and Order (Telephone Conference Call, 6/2/98), dated June 4, 1998, we provided that parties were to provide lists of witnesses and documents to be utilized to be in our hands by Wednesday, September 9, 1998. To the extent that witnesses have been identified in this telephone conference, a further list need not be furnished. During the telephone conference, we reiterated that, consistent with our Memorandum and Order (Scheduling Prehearing Conference and Evidentiary Hearing), dated May 1, 1998, statements of qualifications (curriculum vitae) of expert witnesses, as well as a list of documents to be utilized, should be in our hands by Wednesday, September 9, 1998. In response to an inquiry whether the documents themselves, rather than merely a list, should be provided the Board by September 9, the Board advised that a list would be sufficient. (If any party elects to present

written, pre-filed testimony for any witness, it should be filed on that same schedule.)


(b) During the conference, Judge Kelber requested that, at the evidentiary hearing, the parties be prepared to address whether there has been any other use of alternatives to the dose calculation method outlined in 10 C.F.R. § 20.1003. Also, whether there have been any relevant ICRP publications since #26 and, if so, their impact on this matter. In addition, information concerning the employment criteria applicable to Mr. Chastain if differing methods of dose calculations were to be utilized.

(c) The Licensing Board concluded the conference by reminding the parties of the availability and potential desirability of reaching an appropriate settlement, pursuant to 10 C.F.R. § 2.203.

* * *

IT IS SO ORDERED.

For the Atomic Safety and
Licensing Board


Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 31, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
CONAM INSPECTION, INC.

(Order Imposing Civil Monetary
Penalty)

Docket No.(s) 30-31373-CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (TELECON, 8/27/98) 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
31 day of August 1998

Adria T. Byrdson
Office of the Secretary of the Commission