



OFFICE OF THE
GENERAL COUNSEL

RELATED CORRESPONDENCE
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 18, 1998

DOCKETED
USNRC

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OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

Clifton A. Lake, Esq.
McBride Baker & Coles
500 West Madison Street, 40th Floor
Chicago, Illinois 60661-9350

In the Matter of
Conam Inspection, Inc
Itasca, Illinois (License No. 12-16559-01)
(Order Imposing Civil Monetary Penalty)
Docket No. 30-31373-CivP

Dear Mr. Lake:

This letter responds to your letter of February 26, 1998, and in part, to your Interrogatories of even date. I have no objection to your request to extend the discovery period through April 8, 1998 and, with no objection from you, have moved the Licensing Board to extend the discovery period to April 23, 1998.

Your Interrogatory number 1 is more properly addressed to me and so I respond. As witnesses at any hearing we now intend to produce Mr. Thomas F. Young and Mr. William Goeffrey West, Radiation Specialists, located at our Chicago Regional Office. We intend to produce Mr. Nadar Mamish, and either Dr. Donald A. Cool or Dr. Carl J. Paperiello, as their work schedules permit, of our headquarters.

Your Interrogatories and Requests for Documents are not proper and are objectionable for a number of reasons set forth below. An issue being litigated is whether William Chastain received an exposure of radiation in excess of that permitted by the NRC. Whether licensees other than Conam Inspection, Inc. have requested to use external weighting factors as prescribed by ICRP Publication No. 26 is not relevant to any issue before the Licensing Board. Secondly, 10 CFR § 2.744 (a) provides for production of documents from the NRC Staff which are not otherwise available under 10 CFR § 2.790, and requires a showing by you as to why the document is relevant to the proceeding. See also 10 CFR § 2.720 (h)(2)(ii) which provides for the Staff to answer interrogatories only when the information is not reasonably obtainable from any other source. Any applications, if there are any, from licensees to utilize the external weighting factors based upon ICRP Publication No. 26 would have been filed in the Commission's Public Document Room located at 2120 L-St., N.W., Washington, D.C. and available for your inspection during normal working hours. Any NRC action upon such applications would be in the Public Document Room.

Having set forth the above, in the exercise of discretion and in the interest of moving this litigation forward, I have requested that the Staff respond to your Interrogatories number 2, 3, 4,

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Clifton A. Lake, Esq.

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and 5 and to your Requests For Document number 3, 3, and 4. In responding to your discovery of February 26, 1998, the Staff waives none of its procedural and substantive rights under the NRC regulations. We expect all discovery to comply fully with the NRC Regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles A. Barth".

Charles A. Barth
Counsel for NRC Staff

Enclosure: As stated

cc w/enclosure: Service list

March 18, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 30-31373-CivP
CONAM INSPECTION, INC.)	
Itasca, Illinois)	ASLBP No. 98-735-01-CivP
)	
(Order Imposing Civil Monetary Penalty))	

NRC STAFF RESPONSE
TO REQUEST FOR PRODUCTION OF DOCUMENTS

Licensee's Request number one of February 26, 1998 is for all documents relating to the Office of Investigation No. 3-96-014. The Staff has already provided the licensee with that OI Report and Attachments in redacted format pursuant to the Licensing Board's discovery request. Staff Counsel is considering the present request for other Office of Investigation documents in view of the Board's discovery request.

The licensee's second request is for "All documents relating to submissions by licensees to the NRC which propose to use and/or seek NRC approval for use of external weighting factors for human radiological exposure determinations based upon ICRP Publication No. 26".

RESPONSE


The NRC has neither approved, nor received applications from licensees seeking approval for, the use of external weighting factors, based upon ICRP Publication No. 26, for individual dose assessments.

Thus, the NRC has no documents of the type requested. This response also responds to Interrogatories number three and four.

Respectfully submitted,



Cynthia G. Jones
Senior Level Advisor for Health Physics
Office of Nuclear Material Safety and Safeguards



Subscribed and sworn to before me
this 18th day of March, 1998



Notary Public

My Commission Expires:

ELVA BOWDEN BERRY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 1, 1999

March 18, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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)	Docket No. 30-31373-CivP
CONAM INSPECTION, INC.)	
Itasca, Illinois)	ASLBP No. 98-735-01-CivP
)	
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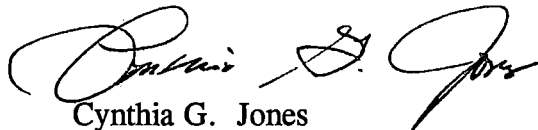
NRC STAFF RESPONSE TO INTERROGATORIES

Interrogatory number one seeks the identity of all persons who will be called by the NRC Staff to testify at the hearing in support of the order, either in person or by written testimony. Staff Counsel has separately responded to this matter.

Interrogatory number two requests the number of applications which have been made to the NRC by licensees which seek approval of the use of weighting factors for human radiological exposure determination based upon ICRP Publication No. 26.

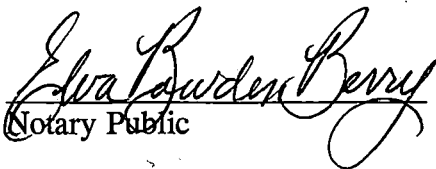
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Cynthia G. Jones
Senior Level Advisor for Health Physics
Office of Nuclear Material Safety and Safeguards

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NUCLEAR REGULATORY COMMISSION

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)	
(Order Imposing Civil Monetary Penalty))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS" and "NRC STAFF RESPONSE TO INTERROGATORIES" in the above-captioned proceedings have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system this 18th day of March 1998.

Charles Bechhoeffer, 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

Dr. Richard F. Cole*
Administrative Judge
Atomic Safety and Licensing Board
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Dr. Charles N. Kelber*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
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Fax: 301-415-5599

Clifton A. Lake, Esq.
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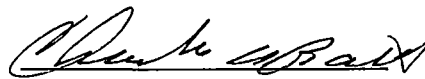
Regional Administrator.
US Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, Illinois 60532

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

Adjudicatory File* (2)
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3 F23
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Washington, D. C. 20555

Atomic Safety and Licensing Board
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Secretary* (2)
Attn: Rulemakings and
Adjudications Staff
Mail Stop: O-16 G15
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Washington, D. C. 20555



Charles A. Barth
Counsel for NRC Staff