

424
RELATED CORRESPONDENCE 5/12/85

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE ADMINISTRATIVE LAW JUDGE IVAN W. SMITH

BOOKETED
USNRC

In the Matter of)	
REICH GEO-PHYSICAL, INCORPORATED)	License No. 25-18304-01
1019 Arlington Drive)	Docket No. 30-14821
Billings, Montana 59101)	ASLBP No. 85-508-01-0T
)	EA 84-78

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NRC STAFF MOTION FOR LEAVE TO FILE REQUEST
FOR PRODUCTION OF DOCUMENTS

During the telephone conference call conducted in this proceeding on May 20, 1985, the Administrative Law Judge indicated that a short discovery period was authorized to begin immediately. The parties were further instructed to file requests for discovery within a time frame which would allow for the responses to be completed by June 30, 1985. The NRC Staff presently seeks to obtain limited production of documents from the Licensee. However, the time within which the Licensee may respond to a request made pursuant to 10 CFR 2.741 exceeds the date established by the Administrative Law Judge for completion of discovery by approximately two weeks. Accordingly, the NRC Staff seeks leave to serve the attached Request for Production of Documents on the Licensee.

The delay in filing the request for production of documents results in part from the inability of the Staff and the Licensee to reach agreement. From the Licensee's representations during the May 20th telephone conference, it appeared that the Staff and the Licensee would be able to stipulate as to certain facts, including the occurrence of the violations stated in the Notice of Violation and Proposed Imposition of Civil Penalty issued on

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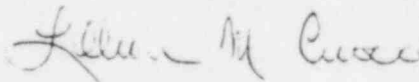
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August 22, 1984. Immediately following the May 20th call, the Staff drafted a set of proposed stipulations, which were forwarded to the Licensee for review on May 29, 1985. Subsequent discussions with the Licensee during the week of June 3, 1985 indicated that the Licensee was unwilling to stipulate as to the facts set out in the Notice of Violation. It now appears that the Licensee plans to contest the violations at the hearing. In view of the Licensee's change of position, the Staff finds that a limited request for documents pertaining to the alleged violations is necessary to enable the Staff to develop a more extensive affirmative case than was initially contemplated. The requests for financial information are not related to the inability of the Staff and the Licensee to stipulate certain facts. However, in an effort to contain discovery to one round, the Staff refrained from filing discovery on the financial issue until it was satisfied that discovery was necessary on only that issue.

Accordingly, the NRC Staff, pursuant to 10 CFR 2.730 and 2.711, moves for leave to serve the attached Request for Production of Documents on the Licensee. The NRC Staff further moves that the time within which discovery may be completed be extended so that the Licensee may have the full time period available to it under 10 CFR 2.741 to respond to the document request. The Staff does not view this extension of time as affecting the July 24, 1985 date established for a hearing in this matter. In view of its limited production request, the NRC Staff moves that in the alternative the

Licensee be required to respond to the NRC Staff request for production of documents by June 30, 1985. The Staff's efforts to contact the Licensee on June 12, 1985 to discuss these matters were unsuccessful.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lillian M. Cuoco".

Lillian M. Cuoco
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 12th day of June, 1985.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE ADMINISTRATIVE LAW JUDGE IVAN W. SMITH

In the Matter of)	
)	License No. 25-18304-01
REICH GEO-PHYSICAL, INCORPORATED)	Docket No. 30-14821
1019 Arlington Drive)	ASLBP No. 85-508-01-0T
Billings, Montana 59101)	EA 84-78

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to 10 CFR 2.741, the NRC Staff requests that the Licensee provide copies of the following documents to the Staff at its offices in Washington, D.C.

1. Copies of logs or records indicating date of usage and place of usage for the 15.5 millicurie americium-241, 25 millicurie americium-241 and 125 millicurie cesium-137 sealed sources in the Licensee's possession for the period April 15, 1981 to June 20, 1984.
2. Copies of logs or records indicating date of usage and place of usage for the two Ludlum Model #3 survey meters (serial numbers 11898 and 8075) in the Licensee's possession for the period April 15, 1981 to June 20, 1984.
3. Copies of any audited financial statements of Reich Geo-Physical, Inc., or statements provided by Reich Geo-Physical, Inc., to financial institutions or other entities in connection with any applications for extensions of credit in the past three years.

4. Copies of any and all financial statements of Reich Geo-Physical, Inc., for 1984 and the first five months of 1985, including but not limited to balance sheets, income and expense statements, cash flow statements, statements of financial condition (balance sheets), statements of source and application of funds.

Respectfully submitted,

Lillian M. Cuoco
Counsel for NRC Staff

Dated at Bethesda, Maryland
this _____ day of June, 1985

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE ADMINISTRATIVE LAW JUDGE IVAN W. SMITH

In the Matter of

REICH GEO-PHYSICAL, INCORPORATED
1019 Arlington Drive
Billings, Montana 59101

)
) License No. 25-18304-01
) Docket No. 30-14821
) ASLBP No. 85-508-01-OT
) EA 84-78

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CERTIFICATE OF SERVICE

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I hereby certify that copies of the "NRC STAFF MOTION FOR LEAVE TO FILE REQUEST FOR PRODUCTION OF DOCUMENTS" in the above captioned proceeding have been served on the following by express service or as indicated by a asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 12th day of June, 1985.

Keith A. Reich, President
Reich Geo-Physical, Inc.
1019 Arlington Drive
Billings, Montana 59101

Ivan W. Smith, Administrative Law
Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555*

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555*

Atomic Safety and Licensing Appeal
Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555*

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555*



Lillian M. Cuoco
Counsel for NRC Staff