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BRANCHUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE 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

NRC STAFF'S APPLICATION FOR A SUBPOENA DUCES TECUM

On June 28, 1985, Reich Geo-Physical, Inc., (the Licensee) responded to the NRC Staff's Interrogatories and Request for Production of Documents in part by providing to the Staff a copy of the utilization logs for its radioactive material for the period April 15, 1981 to June 20, 1984. Portions of the Staff's copy of these records are difficult to decipher owing to the poor quality of the copies provided to the Staff.

Production of the original utilization logs at the hearing to be held on July 24, 1985 will allow the parties and the Administrative Law Judge to clarify any ambiguities that may exist as a result of the poor quality of the records provided to the Staff. These utilization logs are relevant because the information they contain as to the date, place and type of radioactive material used, and the name of the individual using the radioactive material, bears on the alleged violations by the Licensee which are the subject of this proceeding.

On July 17, 1985, counsel for NRC Staff contacted Keith A. Reich, President and Radiation Safety Officer of the Licensee, and inquired whether

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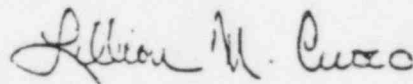
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he would agree to produce the Licensee's original utilization logs at the July 24th hearing. Mr. Reich declined to do so. Staff counsel informed Mr. Reich of the likelihood that the Staff would seek issuance of a subpoena to compel the production of the original utilization logs at the hearing.

Accordingly, the NRC Staff requests that the Administrative Law Judge, pursuant to 10 CFR 2.720, issue a subpoena duces tecum to Reich Geo-Physical, Inc. requiring the production of its original utilization logs at the hearing to be held in this matter on July 24, 1985.

The NRC Staff has attached a subpoena for the Administrative Law Judge's signature. The NRC Staff will serve the signed subpoena on Reich Geo-Physical, Inc., by express mail at its business address in Billings, Montana, and by express service at an address near Mr. Reich's current jobsite in Hazen, North Dakota.

Respectfully submitted,



Lillian M. Cuoco
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 17th day of July, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

BEFORE ADMINISTRATIVE LAW JUDGE IVAN W. SMITH

DOCKETED
USNRC

In the Matter of)

REICH GEO-PHYSICAL, INC.
1019 Arlington Drive
Billings, Montana 59101

) Docket No. 030-14821
) License No. 25-18304-01
) ASLBP No. 85-508-0107

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SUBPOENA DUCES TECUM

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

You are hereby commanded to bring with you to the hearing to be held in the above-captioned proceeding at the Federal Building, 316 N. 26th Street, Room 2222, Billings, Montana at 9:00 a.m. on July 24, 1985 the utilization logs for the period April 15, 1981 through June 20, 1984 indicating the date, place, and person using the americium-241 sealed sources possessed by Reich Geo-Physical, Inc.

Pursuant to 10 CFR 2.720(f), on motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

Date: _____

Ivan W. Smith
Administrative Law Judge

Lillian M. Cuoco
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
301-492-7036

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE ADMINISTRATIVE LAW JUDGE IVAN W. SMITHDOCKETED
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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. 85-508-01-0T
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I hereby certify that copies of the "NRC STAFF'S APPLICATION FOR SUBPOENA DUCES TECUM" in the above captioned proceeding have been served on the following by express service; or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 17th day of July, 1985.

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


c/o Roughrider Motel
Highway 200 East
Hazen, North Dakota 58545

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

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

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

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


Lillian M. Cuoco
Counsel for NRC Staff