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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

SERVED JAN 23 1990

Charles Bechhoefer, Chairman  
Dr. James H. Carpenter  
Dr. Richard F. Cole

In the Matter of  
BASIN TESTING LABORATORY, INC.  
dba BASIN SERVICES, INC.  
General Licensee (10 C.F.R.  
§ 150.20)

Docket No. 15000033-  
SC/CivP  
ASLBP No. 90-601-01-  
SC/CivP  
E.A. 88-265  
January 22, 1990

MEMORANDUM AND ORDER

(Proceedings Concerning Order Imposing Civil Monetary Penalty  
and Order To Show Cause Why License Should Not Be Suspended)

This Licensing Board has been established to preside over the hearing requested on December 29, 1989 by Basin Testing Laboratory, Inc. (Licensee) concerning the Order Imposing Civil Monetary Penalty and the Order To Show Cause Why License Should Not Be Suspended, each issued by the NRC Staff on December 6, 1989. The Order Imposing Civil Monetary Penalty was published at 54 Fed. Reg. 51270 (December 13, 1989). The Order To Show Cause was published at 54 Fed. Reg. 51272 (December 13, 1989).

The request for a hearing on the Order Imposing Civil Monetary Penalty was timely filed; with respect to the Order To Show Cause, the Licensee states that it was advised by a

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representative of NRC's Office of Enforcement that it could file its hearing request by December 29, 1989, and it filed by that date. Because the Licensee has a right to a hearing on both orders, and because its requests are considered as timely filed, the Licensee's request for a hearing on both orders is granted. A Notice of Hearing, in the form set forth as Appendix A to this Memorandum and Order, is being issued today.

The parties to these proceedings are the Licensee and the NRC Staff. (No other persons have sought to participate in response to the invitation set forth in each of the above-cited Federal Register notices.) As set forth in the Order Imposing Civil Monetary Penalty, the issue to be considered at the hearing is whether, on the basis of the violations as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty, the Order should be sustained. As set forth in the Order To Show Cause, the issue to be considered is whether the Licensee's general license under 10 C.F.R. § 150.20 should be suspended.

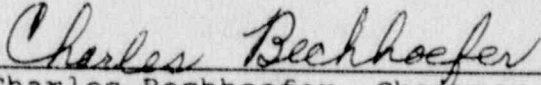
The Licensee has filed a response, dated December 29, 1989, to both Staff Orders. We will permit the Staff, if it wishes to do so, to file a reply to the Licensee's response. Such reply should be filed by Friday, February 9, 1990.

The Board intends to hold a prehearing conference, in or near Williston, North Dakota, for the purpose of further defining the issues in the proceeding, establishing

discovery schedules, and dealing with other matters bearing on the evidentiary hearing. The conference will likely be held during March, 1990, at a time and place to be announced in a later order. By February 23, 1990, each party is invited to file (mail) a proposed agenda.

As background for our consideration of issues in this proceeding, we request the Staff, by February 23, 1990, to provide the Board (and the Licensee if it has not already received these documents) with copies of the reports of the inspections of September 1 and October 5-6, 1988, the Notice of Violation and Proposed Imposition of Civil Penalty, dated January 19, 1989, and the Licensee's response thereto, dated February 22, 1989 (all of which are referenced in both Orders), and Report of Investigation 4-89-006, dated July, 1989 (referenced in the Show-Cause Order). By the same date, the Licensee is requested to provide the Board and NRC Staff with readable copies of page 2 of the North Dakota Inspection Report dated July 19, 1988 (Attachment 5 to the December 29, 1989 response to the two Staff Orders).

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
January 22, 1990

APPENDIX A

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman  
Dr. James H. Carpenter  
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In the Matter of

BASIN TESTING LABORATORY, INC.  
dba BASIN SERVICES, INC.

General Licensee (10 C.F.R.  
§ 150.20)

Docket No. 15000033-  
SC/CivP

ASLBP No. 90-601-01-  
SC/CivP  
E.A. 88-265

January 22, 1990

NOTICE OF HEARING

Notice is hereby given that, by Memorandum and Order dated January 22, 1990, the Atomic Safety and Licensing Board for these proceedings has granted the request of Basin Testing Laboratory, Inc., dba Basin Services, Inc. (Licensee) for a hearing in the above-titled enforcement proceedings. The hearing concerns the Order Imposing Civil Monetary Penalty, issued by the NRC Staff on December 6, 1989 (54 Fed. Reg. 51270, December 13, 1989), and the Order To Show Cause Why License Should Not Be Suspended, also issued by the NRC Staff on December 6, 1989 (54 Fed. Reg. 51272, December 13, 1989). The parties to each of the proceedings are the Licensee and the NRC Staff. The issues to be considered at the hearing are (1) whether, on the

basis of the violations as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty, the Order Imposing Civil Monetary Penalty should be sustained, and (2) whether, on the basis of the matters set forth in the Order To Show Cause, the Licensee's general license under 10 C.F.R. § 150.20 should be suspended.

For further information concerning these proceedings, see the Order Imposing Civil Monetary Penalty and Order To Show Cause, each cited above; and the Notice of Violation and Proposed Imposition of Civil Penalty, dated January 19, 1989. Materials concerning these proceedings are on file at the Commission's Public Document Room, 2120 L Street N.W., Washington D.C. 20555, and at the Commission's Region IV Office, Parkway Central Plaza Building, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

During the course of these proceedings, the Licensing Board will conduct one or more prehearing conferences and, as necessary, evidentiary hearing sessions. The time and place of these sessions will be announced in later Licensing Board orders. Members of the public will be entitled to attend these sessions.

Persons who are not parties to the proceedings are invited to submit limited appearance statements, either in writing or orally, with regard to the Order Imposing Civil Penalty and the Order To Show Cause, as permitted by 10 C.F.R. § 2.715(a). These statements do not constitute

testimony or evidence in these proceedings, but may help the Board and/or parties in their deliberations as to the proper boundaries of the issues to be considered. During certain prehearing conference and/or evidentiary hearing sessions, such persons will be afforded the opportunity to make oral limited appearance statements. Written statements, or requests to make oral statements, should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Docketing and Service Branch. A copy of such statement or request should also be served on the Chairman of this Atomic Safety and Licensing Board, EWW/439, U.S. Nuclear Regulatory Commission, Washington D.C. 20555.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

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Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
January 22, 1990

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

BASIN TESTING LABORATORY, INC.  
DBA BASIN SERVICES, INC.  
(General Licensee (10 CFR 150.20)  
E.A. 88-265)

Docket No.(s) 15000033-SC/CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O DTD 1/22 (PROCEED. ...) 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.

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

Administrative Judge  
Charles Bechhoefer, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
James H. Carpenter  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Robert W. Harms, Esquire  
Harms Law Offices, Ltd.  
501 E. Broadway, Suite 100, P.O. BX 1192  
Williston, ND 58802

Dated at Rockville, Md. this  
23 day of January 1990

*Patty Henderson*  
Office of the Secretary of the Commission