

October 6, 1989

MEMORANDUM FOR: James A. Fitzgerald, Assistant General Counsel  
for Adjudications and Opinions  
Office of General Counsel

FROM: Ben B. Hayes, Director  
Office of Investigations

SUBJECT: REVIEW OF SUBPOENA (OI CASE Q4-89-008)

Forwarded for your review is a subpoena that the Office of Investigations intends to serve on Billie P. Garde, 103 East College Avenue, Appleton, Wisconsin 54911, on or about October 13, 1989. The date scheduled for the compelled testimony, October 20, 1989, has been prearranged with Ms. Garde.

I would appreciate a fast turnaround on this item to facilitate the issuance of the subpoena on the date indicated.

Attachment:  
Draft Subpoena

Distribution:  
4-89-008  
Reading

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# United States of America

## NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF: NRC INVESTIGATION

CASE NO.: 4-89-008

TO: Ms. Billie P. Garde  
103 East College Avenue  
Appleton, Wisconsin 54911

**YOU ARE HEREBY COMMANDED**, pursuant to Section 161 (c) of the Atomic Energy Act of 1954, as amended, to appear at the United States Nuclear Regulatory Commission, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, on the 20th day of October, 1989, at 10:00a.m. to testify in the matter of suspected violations of NRC regulations and requirements.

**YOU ARE FURTHER COMMANDED** to provide the NRC on October 20, 1989, any and all documentation concerning your dealings with Joseph J. Macktal, Jr., including meetings and/or telephone conversations between yourself and Mr. Macktal and/or any other individuals regarding meetings and/or telephone conversations between Mr. Macktal and the President of Brown & Root, Mr. Lewis Austin. This shall include, but not be limited to, tape recordings, transcriptions of recordings, personal or business notes, and any other documentation or substantiation of the above referenced matters.

BY ORDER OF THE DIRECTOR,  
OFFICE OF INVESTIGATIONS

BY \_\_\_\_\_

DATE \_\_\_\_\_

Requested by:  
Virginia Van Cleave, Investigator  
Office of Investigations, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

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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 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. Such motion should be directed to the Secretary of the Commission, Washington, DC 20555. Failure to comply with the terms of this subpoena may result in the Commission's seeking judicial enforcement of the subpoena pursuant to Section 233 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2281.

*6:17c p. 10/20/89*