



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

September 23, 1983

MEMORANDUM TO: Timothy F. Hagan, Contracting Officer
THRU: J. J. Harrison, Chief, Office of Special Cases, Section 2
FROM: R. T. Cook, Senior Resident Inspector, Midland Site
SUBJECT: BILLING OF COPY SERVICE FROM PENDELL PRINTING, INC.

On about May 2 or 3, 1983, the ASLB requested that the NRC respond to Ms. B. Stamiris' Discovery and FOIA requests. At this time, the ASLB Hearing was in progress and there was a need for expediency to deliver copies of the requested documents because the NRC had not completely responded to the Discovery request. The amount of material needing to be copied was quite voluminous and exceeded the copying capabilities of the equipment housed in the Resident Inspector Office. It was determined that the company performing the copying work for the hearing (Pendell Printing, Inc.) could handle the Discovery and FOIA requests for copies and complete the copying work expeditiously. The price quoted to the Resident Inspector Office was \$0.08 per page and was comparable to charges by other local establishments. Region III was willing to (and did) authorize a Requisition For Services to have the material copied at a local establishment; however, the ELD staff at the hearing suggested that since the copies were being made to accommodate the hearing process, the Resident Inspector Office staff should have the copies billed to the hearing provided that Pendell Printing, Inc. could handle the billing in the above suggested fashion. Pendell Printing, Inc. stated that they could bill the hearing as suggested by ELD, and the Resident Inspector Office staff delivered the material to be duplicated. The copies were then turned over to ELD, including the delivery receipt.

During the hearing, a need arose for extra copies of the testimony so that (1) the four-member panel testifying could review the testimony and questioning trends of the previous days in preparation for testifying during the ongoing sessions of the hearing, (2) the technical staff advising and supporting the legal staff could have access to the extra copies for their review and use during the days' hearings, (3) ELD would have a complete set of testimony at the hearing to keep abreast of those portions actively being pursued, (4) the legal staff in RIII would have immediate delivery of selected portions of the hearing testimony so the Regional Administrator could be kept actively informed of the testimony supplied by the RIII Office of Special Cases and so his testimony could be prepared. Also, (5) the citizen intervenors supplied a copy of one day of testimony to ELD for copying. Therefore, to accommodate the above needs, the Resident Inspector Office delivered the selected portions of the

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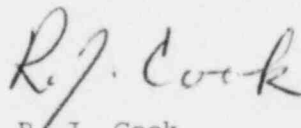
September 23, 1983

transcripts to Pendell Printing, Inc. on May 13 and June 23, 1983, and again requested copies and billing to the hearing at the advice of those conducting the hearing, similar to that described above. The Resident Inspector Office staff picked up the completed order and distributed the copies of selected portions of the hearing transcript to the appropriate parties, each party receiving copies of transcripts from different days.

The last order was placed with Pendell Printing, Inc. on July 12, 1983. This order for copies of the transcript was placed so that each faction (RIII Office of Special Cases, ELD, and the Resident Inspector Office) would have a complete set of transcripts pertaining to the Office of Special Cases testimony. Some of the factions had duplicates but may have had a missing day, while others had duplicates of other days . . . etc . . . In the complete tally - several volumes could not be located; therefore, it was imperative to procure more copies (again in an expeditious manner) so that each group had a complete set covering the Office of Special Cases testimony. This was necessary because each group was at a different geographical location and there was a need to compare testimony and prepare for subsequent sessions of the hearing which would require testimony from Region III Office of Special Cases and the Resident Inspector Office. Because there appeared to be no difficulty (at this time) in billing the copies to the hearing, Pendell Printing, Inc., with the cognizance of the ELD staff involved in the hearing, was contacted for more testimony duplication work. The Resident Inspector Office staff delivered the material to be copied and disseminated the copied testimony when completed.

On July 18, 1983, Teresa McLearn contacted the Resident Inspector Office and explained the irregularities involved with the billing of Tayloe Associates and advised the Resident Inspector Office to refrain from billing additional copies to the hearing. Ms. McLearn stated that more information might be needed in the future. The Resident Inspector Office staff agreed to refrain from having any more testimony copied during subsequent hearing sessions. Ms. McLearn contacted the Resident Inspector Office a few weeks later and stated that the Administrative Contracts Branch, Division of Contracts would need a letter of explanation to re-evaluate existing contracts.

It is our opinion that your office should pay Pendell Printing, Inc. the fair value of the copies which appears to be the amount of the bill at \$0.08 per page plus the brads. It is also our opinion that you should refuse to pay Tayloe Associates the higher rate for these copies as Tayloe Associates did not handle any of the logistics or administrative actions to sort, procure, and distribute the copies.



R. J. Cook
Senior Resident Inspector
Midland Site

cc w/attachments:

^c
Larry Shlosser
Mike Wilcove

| <u>Date</u> | <u>Copies</u> | <u>Bill</u> |
|------------------|--|---|
| May 2 or 3, 1983 | Unknown | Unknown |
| May 13, 1983 | Unknown | Unknown |
| June 23, 1983 | 10,050 pgs. 126 brads tax total | \$804.00 31.50 <u>33.42</u> \$868.92 |
| July 12, 1983 | 1,759 12 brads tax total | \$140.72 3.00 <u>5.75</u> \$149.47 |

Tabulated data supplied via telecommunication with Pendell Printing, Inc.

DELIVERY RECEIPT

from

PENDELL PRINTING INC.

FORMERLY FORD PRESS INC.

1700 James Savage Road
MIDLAND, MICHIGAN 48640

No. _____

_____, 19____
DATE

JOB NUMBER

DELIVERED TO NRC

ADDRESS _____

| P. O. NUMBER | QUANTITY | DESCRIPTION | NO. PKGS. | CHECKED BY |
|--------------|----------|-------------|-----------|------------|
| | 1 | copy of 4 | 1 | |
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Delivered By _____
Time _____

Received By _____
Checked By _____

DELIVERY RECEIPT

from

PENDELL PRINTING INC.

FORMERLY FORD PRESS INC.

1700 James Savage Road
MIDLAND, MICHIGAN 48640

No. 15153

12/12, 19____
DATE

JOB NUMBER

DELIVERED TO NRC

ADDRESS _____

| P. O. NUMBER | QUANTITY | DESCRIPTION | NO. PKGS. | CHECKED BY |
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U. S. NUCLEAR REGULATORY COMMISSION
REGION III

REQUISITION FOR FURNITURE, EQUIPMENT, SUPPLIES, SERVICES
OR LIBRARY MATERIALS

Date 5/2/83

Requested By Row Cook

Request No. _____

Prepared By Row Gardner

Approved By [Signature]
(RA, D/RA, ADSP,
Div. Dir. or Branch Chief)

Authorized By [Signature]
(Chief, Admin.
Support Bran.)

| Item | Description | Quantity |
|------|--|----------------------|
| 1 | DOCUMENTS PROVIDED IN RESPONSE TO STAIRIS DISCOVERY REQUEST | 1000 sheets (approx) |

Justification (to be provided by requestor): Onsite reproduction
equipment inadequate to support hearing demands.