

CASE No. 4-96-022



United States  
Nuclear Regulatory Commission

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# Report of Investigation

**UNITED NUCLEAR CORPORATION:**

**DELIBERATE VIOLATION OF PROCEDURES AND FALSIFICATION OF  
EMPLOYEE RECORDS**

**Office of Investigations**

Reported by OI: **RIV**

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FOIA- 2005-0200

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Title: UNITED NUCLEAR CORPORATION:

DELIBERATE VIOLATION OF PROCEDURES AND FALSIFICATION OF EMPLOYEE RECORDS

Licensee:

United Nuclear Corporation  
1700 Louisiana Blvd., Suite 230  
Albuquerque, NM 87110

Docket No.: 40-8907

Case No.: 4-96-022

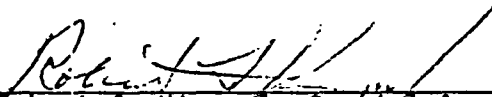
Report Date: November 25, 1996

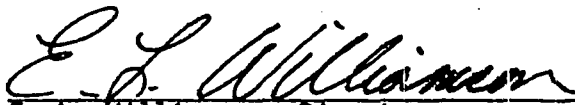
Control Office: OI:RIV

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~~This Report of Investigation consists of pages 1 through 13, with exhibits 1 through 10. It has not been reviewed pursuant to Title 10 CFR Subsection 2.790(a) exceptions nor has any exempt material been deleted. Do not disseminate, place in the Public Document Room, or discuss the contents of this report outside NRC without authority of the approving official of this report. Treat as "OFFICIAL USE ONLY."~~

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## SYNOPSIS

On May 14, 1996, the Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV, initiated an investigation to determine whether United Nuclear Corporation (UNC), an NRC licensee, falsified employee training records; released contaminated equipment from UNC's work site; failed to properly clean a contaminated area; and disposed of contaminated material in UNC's fuel storage tank.

Based on the evidence developed during the investigation, the allegation that UNC falsified employee training records; released contaminated equipment from UNC's work site; failed to properly clean a contaminated area; and disposed of contaminated material in UNC's fuel storage tank was not substantiated.

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LIST OF INTERVIEWEES

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## DETAILS OF INVESTIGATION

### Allegation

Deliberate Violation of Procedures and Falsification of Employee Records

### Applicable Regulations

10 CFR 30.10: Deliberate Misconduct (1994 Edition)

### Purpose of Investigation

This investigation was initiated on May 14, 1996, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine whether United Nuclear Corporation (UNC), an NRC licensee, falsified employee training records; released contaminated equipment from UNC's work site; failed to properly clean a contaminated area; and disposed of contaminated material in UNC's fuel storage tank (Exhibit 1).

### Background

On April 16, 1996, Julie CURTISS, of the Navajo Superfund Project, informed the NRC, Nuclear Material Safety and Safeguards (NMSS), staff of concerns she had received from [redacted] a former UNC employee, about UNC's Church Rock site.

On April 26, 1996, Robert O'CONNELL, NRC Allegation Coordinator, NMSS, in a letter to [redacted] summarized and abbreviated what NMSS understood to be his [redacted] concerns (Exhibit 2). [redacted] concerns were listed as follows:

- (1) UNC failed to follow procedures concerning the handling of yellowcake;
- (2) [redacted] has health problems related to exposure to yellowcake;
- (3) UNC switched exposure records for some employees;
- (4) UNC may have buried various items from the mill at the Church Rock site without informing the NRC; and
- (5) UNC performed site clean up prior to NRC inspections.

[redacted] concerns were forwarded by NMSS to the RIV Senior Allegations Coordinator. On May 13, 1996, the RIV Allegation Review Panel reviewed [redacted] concerns and requested OI:RIV interview the alleger.

### Interview of Alleger [redacted] (Exhibit 3)

On August 26, 1996, [redacted] was interviewed in Gallup, New Mexico, by Special Agent Robert J. Kirspel, NRC, OI:RIV, and Linda McLEAN, Senior Health Physicist, NRC:RIV, regarding his concerns that improper practices had occurred at UNC. [redacted] stated he was a permanent employee of UNC and had worked primarily as a [redacted] from [redacted] stated UNC hired him again in [redacted] and he worked periodically for UNC until [redacted]

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provided copies of UNC Employee Training forms dated [redacted] stated the forms were given to him to sign in 1994 by UNC employee, [redacted] stated the forms were dated as 1992, but he signed them in 1994. [redacted] stated he was told to sign the forms and not question the date. [redacted] stated that [redacted] did show him how to use the Eberline PS-2, and he understood how to use the gamma meter Ludlum-2, but he did not receive any training for the other instruments shown on the training forms. [redacted] stated that other than the Eberline PS-2 and the gamma meter Ludlum-2, he did not use any of the other instruments shown on the training forms. [redacted] stated UNC employee, [redacted] also signed training forms without receiving training on how to use the equipment shown on the forms. [redacted] stated he felt that UNC's [redacted] probably directed that he and [redacted] sign the forms.

[redacted] stated that while employed by UNC, he did radiological surveys of equipment that he was not qualified to survey. [redacted] stated in either 1992 or 1993, he and [redacted] conducted a radiological survey of a rake shaft that was sold by UNC to a company in Canada. [redacted] stated they were having trouble decontaminating the rake shaft and could not get it below allowable limits. [redacted] stated that [redacted] "fixed" the survey papers in order to show that the rake shaft was within allowable limits. [redacted] stated that [redacted] asked him [redacted] to sign the survey form, but he would not sign it.

[redacted] stated that [redacted] told him that [redacted] took some wood staves from UNC that had not been decontaminated. [redacted] stated he was told that the staves were given to [redacted] [redacted] stated that normally the staves were planed to decontaminate them, but these staves had not been planed or decontaminated.

[redacted] stated he found a radioactive source in a small wooden box in a trash dump by UNC's mill pond. [redacted] stated he showed the source to [redacted] who told him to take the source to UNC's laboratory. [redacted] stated he placed the source in UNC's laboratory, and he had no additional information pertaining to the handling of the source.

[redacted] stated. when the ion exchange column had been cleaned, there was resin spilled on the soil, and he [redacted] was concerned that the soil around the area was contaminated.

[redacted] stated near the end of 1994, various drums of "stuff" [NFI] were dumped into UNC's fuel storage tank. [redacted] stated that no one wanted the "stuff" [NFI] so it is possible that it was contaminated. [redacted] stated it was possible that UNC maintained records showing what was dumped into the fuel storage tank.

[redacted] stated he asked [redacted] to furnish his [redacted] exposure records and was told that his records were either lost, stolen, or buried. [redacted] stated that [redacted] used exposure records belonging to UNC employee, [redacted] to calculate his [redacted] exposure. McLEAN informed [redacted] that under certain circumstances, that practice would be permitted.

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AGENT'S NOTE: [ ]  
McLEAN reviewed [ ]  
discrepancies.

provided copies of his exposure records to McLEAN records and determine that they contained no

[ ] stated he had no other concerns to bring to the attention of the NRC.

#### Coordination with NRC Staff

On October 7, and 8, 1996, McLEAN conducted an inspection of UNC, inspection report 40-8907/96-01, (Exhibit 5). McLEAN's inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress. No violations or deviations were identified.

#### Testimony/Evidence

##### Interview of [ ] (Exhibit 6)

On August 27, 1996, [ ] was interviewed by Kirspeil and McLEAN. [ ] stated he worked for UNC from [ ] when he was laid off. [ ] stated he was rehired by UNC in [ ]

[ ] stated he recalled a problem with decontaminating a rake shaft at UNC that was to be shipped to a company in Canada. [ ] stated he knew that "swipe tests" were done on the rake shaft. [ ] stated the rake shaft was eventually cleaned to an acceptable level and was checked by [ ] or [ ] before it was released.

[ ] stated he could not recall signing a UNC Training Record which would have shown that he received training on how to use various survey instruments. [ ] stated he did not receive much training but did know how to read a survey meter.

[ ] stated he recalled using a vacuum cleaner to clean an area on UNC property where some resin had been spilled. [ ] stated he also used a shovel to pick up the remaining contaminated dirt.

[ ] stated that [ ] told him that unidentified fluids, other than authorized oil, had been dumped into UNC's fuel storage tank. [ ] stated he had no additional information concerning [ ] comment, but did know that some company [NFI] obtained the oil and analyzed it before they left the site.

[ ] stated he had been directed to gather exposure records for various UNC employees and placed them in one room at UNC. [ ] stated he was not aware of any exposure records that had been thrown away.

[ ] stated he was not aware of any wooden staves that had left UNC without first being decontaminated.

Interview of [ ]

(Exhibit 7)

On October 8, 1996, [ ] was interviewed at the offices of UNC by Kirspe] and McLEAN concerning allegations presented to the NRC by [ ] has been employed by UNC as a [ ]

AGENT'S NOTE: [ ]

was shown and reviewed UNC Employee Training forms for [ ]

[ ] stated he did train [ ] to use the instruments shown in the details section of his [ ] training form, and he also gave [ ] the training listed in the detail of training section of his [ ] training form. [ ] reviewed his daily log for [ ] noted that he had trained [ ] on preparation and survey of soil samples and furnished a copy of this log (Exhibit 10). [ ] stated, in addition to the training on [ ] there were various on-the-job training sessions for [ ] during which he [ ] instructed [ ] how to use various survey instruments. [ ] stated [ ] signed their training forms on the date shown on the forms.

[ ] stated he had no knowledge of an allegation that a rake shaft was released from UNC before it was properly decontaminated. [ ] stated he was not on site when the rake shaft was being decontaminated and returned to work after it had been shipped from UNC.

[ ] stated he had no knowledge of any wood staves that were not properly decontaminated before being shipped from UNC.

[ ] stated, concerning the allegation that liquids, other than petroleum products, had been dumped into UNC's fuel storage tank, he was only aware of petroleum products that were put in the fuel storage tank.

Interview of [ ]

(Exhibit 8)

On October 8, 1996, [ ] was interviewed at UNC by Kirspe] and McLEAN. [ ] has been employed by UNC as a [ ]

[ ] stated that [ ] had never expressed any safety concerns at UNC to him. [ ] stated he had worked with [ ] at UNC and considered him [ ] to be an unreliable employee. [ ] stated that [ ] would not do his share of the work when he [ ] was assigned to work with him. [ ] stated that [ ]

[ ] stated he was in charge of decontaminating the wood staves which were shipped from UNC. [ ] stated he planed all the wood staves which were shipped from UNC and had [ ] while planing them. [ ] stated there were not any staves that were not properly decontaminated prior to shipping.

[ ] stated he was not aware of any improper practices at UNC and had no safety concerns to report.

Interview of [redacted]

(Exhibit 9)

On October 8, 1996, [redacted] is [redacted]

[redacted] was interviewed at UNC by Kirspe1 and McLEAN.

Concerning the allegation that UNC released a rake shaft without it being properly decontaminated, [redacted] stated he surveyed the rake shaft before it was released, and it was within allowable release limits. [redacted] stated the rake shaft was cleaned by a contractor working for UNC. [redacted] stated [redacted] did an initial survey and determined that the rake shaft was still contaminated. [redacted] stated as a result of [redacted] survey, the contractor again cleaned the rake shaft. [redacted] stated that after the rake shaft had been cleaned the second time, he [redacted] surveyed it again and determined it was within releaseable limits. [redacted] stated he told [redacted] that he had surveyed the rake shaft, and they then loaded it on a truck for shipment.

Concerning the allegation that [redacted] had improperly signed UNC employee training forms, [redacted] stated he observed [redacted] show both [redacted] how to use various survey instruments. [redacted] stated the training forms were signed by [redacted] on the date shown on the training forms.

[redacted] stated that all wood staves were properly decontaminated before they were shipped from UNC. [redacted] stated some of the wood staves were sold to [redacted] and he would not have sold [redacted] contaminated wood staves.

Concerning the allegation that contaminated materials other than petroleum products were deposited in UNC's used fuel storage tank, [redacted] stated that the fuel was periodically picked up by a company for processing and was tested by the company for contaminants prior to pick up. [redacted] stated he was not aware of the company ever identifying any contaminants in the fuel, and he had no knowledge of any contaminated products being dumped in the fuel storage tank.

[redacted] stated he [redacted] stated [redacted] stated, after [redacted] employees that [redacted] had said that he, [redacted] was "going to get me [redacted]"

Conclusions

Based on the evidence developed during the investigation, the allegation that UNC falsified employee training records; released contaminated equipment from UNC's work site; failed to properly clean a contaminated area; and disposed of contaminated material in UNC's fuel storage tank was not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated May 14, 1996.
2	Letter from O'CONNELL to [ ] dated April 26, 1996.
3	Report of interview with [ ] dated August 26, 1996.
4	UNC Employee Training Records, dated [ ] and [ ]
5	NRC Inspection Report 40-8907/96-01, dated October 28, 1996.
6	Report of Interview with [ ] dated August 27, 1996.
7	Report of Interview with [ ] / dated October 8, 1996.
8	Report of Interview with [ ] dated October 8, 1996.
9	Report of Interview with [ ] dated October 8, 1996.
10	Page 88 from [ ] daily log, dated [ ]