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Kusnick, Joshua

From: Csontos, Aladar
Sent: Wednesday, October 10, 2012 10:49 AM
To: Kirk, Mark
Subject: Re: Task Request: TASK: Doel 3

BTW, did you catch the initial Oakridge consulting company reference in the documents that Gary put on the sharepoint site or did someone else? In other words, should I expect someone to contact me about this?

From: Kirk, Mark
To: Csontos, Aladar
Sent: Wed Oct 10 10:38:45 2012
Subject: RE: Task Request: TASK: Doel 3

I'll provide you with a draft later today.

I assume Richard is taking care of his own business ... but I shall enquire

From: Csontos, Aladar
Sent: Wednesday, October 10, 2012 10:37 AM
To: Kirk, Mark
Subject: Re: Task Request: TASK: Doel 3

Yes. And your comments on the record to a closed door ACRS meeting emphatically saying ORNL is not working with Electrabell, etc. was not the complete.

Please provide a draft to me first. Then we need to CC the DOEL folks here to include NRR and IP.

Does ORNL know, i.e. did Richard tell anyone at ORNL? I imagine that they would want to know that he would be working for a foreign entity.

From: Kirk, Mark
To: Csontos, Aladar
Sent: Wed Oct 10 10:29:35 2012
Subject: RE: Task Request: TASK: Doel 3

OK, I will e-mail FANC as you suggest. Who should I CC here?

As to why I did not tell you, I had literally found out just that morning and was frankly still processing it. This all seems way to complicated.

From: Csontos, Aladar
Sent: Wednesday, October 10, 2012 10:24 AM
To: Kirk, Mark
Subject: Re: Task Request: TASK: Doel 3

Also, its not completely proper to say that Bass' company is in no way affiliated with ORNL since much of his intellectual property expertise on these matters have been developed over his ORNL career. You can say that Bass' company is not

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affiliated with ORNL in name only, but intellectual property is another matter for ORNL and Richard to deal with. Does ORNL know this arrangement? if not, why not?

From: Csontos, Aladar
To: Kirk, Mark
Sent: Wed Oct 10 10:15:48 2012
Subject: Re: Task Request: TASK: Doel 3

You need to let FANC know about this. Its their call and we need to be CC'd.

If you knew about this last week, why didn't you tell me?

From: Kirk, Mark
To: Csontos, Aladar
Sent: Wed Oct 10 09:35:37 2012
Subject: Task Request: TASK: Doel 3

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Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Csontos, Aladar

Ah – my 1st chance to send you a "task"!!!

On page 5 of the attached document (this is one of the several documents recently received by Gary from FANC) you will see the following table:

You should be aware of the following points:

- o "Oakridge Consulting International Inc", or OCII, is Richard Bass' private consulting firm. OCII is in no way associated with ORNL.
- o I was aware last week at the ACRS meeting that this arrangement between Electrabel and OCII had been made. The reason I did not bring it up at that point because it just seemed too distracting in that venue.
- o Also the above list shows that EMC² is a consultant to Electrabel. This is news ... at least to me.

Believing that the best defense is a strong offense I feel we should address any legal concerns these affiliations generate at this time. My view is that there are in fact no problems for the following reasons:

- o There is no conflict of interest associated with me being on the Doel International Review team and me being the ORNL program manager because there is no contract between the Oak Ridge National Laboratory and the Belgian Licensee (Electrabel).
- o There is no conflict of interest associated with EMC² (one of our contractors) having a contract with the Belgian Licensee (Electrabel) based on the precedent of this having been acceptable in the past ... as you reviewed in your various e-mails of October 4th on this topic.

It would be my preference to deal with this as directly and expeditiously as follows, to which end I ask you the following questions:

1. Do we need to do anything more than this e-mail?
2. If "Yes" to #1, what? Exactly?
3. If the response to #2 includes "talk to OGC" then I would ask/recommend that Mike Case be involved in the discussion. In past discussions with Mike I have found his perspective on such matters to be quite pragmatic ... I think his voice would help being whatever issues there may be to a speedy conclusion.