



*Handwritten: MDOCS*

**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST**

**FOIA** — 95-191

RESPONSE TYPE

FINAL

PARTIAL 4th

DATE

SEP 19 1995

DOCKET NUMBER(S) (if applicable)

REQUESTER

John W. Ghezzi

**PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)**

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request that are identified in Appendix(es) F are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed. Appendix F documents are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.

You will receive a refund from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_, No. \_\_\_\_\_.

**PART II. A.—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE**

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

*Handwritten signature: Natalie Brown pz*

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PDR FOIA  
GHEZZI95-191 PDR

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1.	4/13/81	Letter from G. P. Quilling to A. Gundersen. (1 page)
2.	4/13/81	Letter from G. P. Quilling to A. Gundersen. (3 pages)
3.	2/1/89	Letter from F. Trejo to B. Packard. (1 page)
4.	2/13/89	Arthur I. Little Purchase Order. (3 pages)
5.	2/28/89	Letter from J. DeSanti to J. White. (1 page)
6.	5/10/89	Letter from M. Nappi-Aithouse to J. White. (2 pages)
7.	5/31/89	Letter from J. white to M. Nappi-Aithouse. (1 page)
8.	3/24/90	Letter from A. Gundersen to G. Kenny, w/attachments. (7 pages)
9.	3/27/90	Memo re NES. (1 page)
10.	4/25/90	Memo from A. Gundersen to M. Callahan. (1 page)
11.	5/13/90	Handwritten memo from G. Hamilton to W. Manion. (4 pages)
12.	6/15/90	Allegation Receipt Report. (2 pages)
13.	6/20/90	Allegation Interview Report. (3 pages)
14.	6/25/90	Presentation to NRC, King of Prussia, PA, Gundersen vs PCC/NES. (67 pages)
15.	6/26/90	Letter from A. Gundersen to J. White. (3 pages)
16.	7/16/90	Allegation Receipt Report. (1 page)
17.	7/25/90	Letter from A. Gundersen to J. White. (1 page)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
18.	8/16/90	Memo from W. Ruland to Allegation File RI-90-A-0075. (1 page)
19.	8/21/90	Letter from A. Gundersen to L. Bettenhausen. (1 page)
20.	9/4/90	Petition for Review: A. Gundersen vs NES. (3 pages)
21.	9/10/90	Letter from J. White to A. Gundersen. (3 pages)
22.	9/24/90	Memo from C. White to T. Martin, subject: CI Response to/Status of Request for Investigation. (1 page)
23.	10/24/90	Letter from J. White to A. Gundersen, with handwritten note from Gundersen dated 3/18/92. (1 page)
24.	10/24/90	Letter from J. White to W. Manion, with attachment. (5 pages)
25.	10/26/90	Letter from J. White to A. Gundersen. (2 pages)
26.	12/6/90	Letter from T. Martin to D. McGoff. (1 page)
27.	12/14/90	Order dismissing appeal. (1 page)
28.	2/26/91	Excerpts from Energy and Public Utilities transcript. (6 pages)
29.	4/22/91	Letter from W. Manion to K. Marvin. (1 page)
30.	4/29/91	Letter from T. Martin to D. McGoff. (2 pages)
31.	5/4/91	Letter from Igor Sikorsky to M. Casoff, w/attachment. (3 pages)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
32.	5/7/91	Letter from M. Gioffi to Igor Sikorsky. (4 pages)
33.	5/13/91	Statement of Amount in Demand. (2 pages)
34.	5/13/91	Complaint: A. Gundersen v William Manion. (3 pages)
35.	5/20/91	Letter from A. Gundersen to Sen. Lieberman, w/attachments. (5 pages)
36.	6/6/91	Superior Court Summons. (7 pages)
37.	6/17/91	Record of Allegation Panel Decisions. (1 page)
38.	6/26/91	Complaint: A. Gundersen v. James Walker. (7 pages)
39.	6/6/91	Superior Court Summons. (1 page)
40.	7/29/91	Letter from J. Taylor to Sen. Lieberman, w/attachments. (7 pages)
41.	9/9/91	Deposition of A. Gundersen. (22 pages)
42.	10/1/91	Letter from R. Fuhrmeister to A. Gundersen. (1 page)
43.	10/31/91	Letter from A. Gundersen to R. Fuhrmeister. (2 pages)
44.	11/15/91	Record of Allegation Panel Decisions. (1 page)
45.	12/26/91	Record of Allegation Panel Decisions. (1 page)
46.	12/28/91	Letter from A. Gundersen to F. Costello. (2 pages)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
47.	12/30/91	Conversation Record. (1 page)
48.	1/10/92	Conversation Record. (1 page)
49.	1/13/92	Letter from C. Martel to D. White, w/attachments. (17 pages)
50.	1/15/92	Allegation Receipt Report. (2 pages)
51.	1/27/92	Letter from A. Gundersen to Sen. Liebermann, with fax cover sheet. (3 pages)
52.	2/6/92	Letter from A. Gundersen to E. Wilson. (2 pages)
53.	4/13/92	Investigation Status Record. (1 page)
54.	4/13/92	Investigation Status Record. (2 page)
55.	4/13/92	Handwritten faxed letter from A. Gundersen. (4 pages)
56.	5/21/92	Answer of Defendants James L. Walker and Nuclear Energy Services. (2 pages)
57.	5/26/92	Handwritten faxed letter w/attachments from A. Gundersen. (6 pages)
58.	6/12/92	Letter from F. Swetland to W. Manion, w/attachments. (24 pages)
59.	6/17/92	Handwritten faxed letter from A. Gundersen, w/attachments. (7 pages)
60.	6/23/92	Letter from M. Cioffi to NRC Office of Investigations. (1 page)
61.	6/26/92	Memo from B. Letts to L. Norton, subject: A. Gundersen/Nuclear Energy Services. (1 page)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
62.	7/16/92	Handwritten fax from A. Gundersen to E. Wilson. (3 pages)
63.	8/4/92	Mailgram from A. Gundersen. (1 page)
64.	8/5/92	Handwritten fax from A. Gundersen. (2 pages)
65.	8/12/92	Handwritten fax from A. Gundersen. (1 page)
66.	8/14/92	Letter from W. Manion to T. Martin, w/attachments. (6 pages)
67.	8/31/92	Letter from J. Lieberman to E. Hadley, w/attachment. (5 pages)
68.	9/15/92	Allegation Receipt Report. (2 page)
69.	10/1/92	Memo from D. Rathbun to J. Blaha, subject: Request from Sen. Lieberman's Staff. (1 page)
70.	10/19/92	Letter from I. Sikorsky to T. Reilly. (1 page)
71.	10/23/92	Letter from E. Wilson to M. Cioffi. (1 page)
72.	10/30/92	Letter from E. Hadley to J. Lieberman. (4 pages)
73.	11/9/92	Handwritten fax from A. Gundersen. (1 page)
74.	11/12/92	Memo from F. Costello to J. Lieberman and J. Glenn, subject: Nuclear Energy Services. (8 pages)
75.	11/19/92	Memo from W. Hutchison to R. Watkins. (1 page)
76.	12/2/92	Reply Brief of Respondent, w/handwritten notes from A. Gundersen. (3 pages)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
77.	12/2/92	Picture of a clock, from A. Gundersen. (1 page)
78.	12/29/92	Memo from T. Martin, subject: Establishment of Single Point of Contact for All Correspondence Regarding Mr. Arnold Gundersen or Nuclear Energy Services. (2 pages)
79.	1/9/93	Letter from I. Sikorsky to T. Reilly. (1 page)
80.	1/11/93	Memo from B. Hayes to the Chairman, subject: Investigation of Nuclear Energy Services, Inc. - Alleged Harassment, Intimidation, and Discrimination; and Failure to Provide Complete and Accurate Information by Licensee Officials. (4 pages)
81.	1/23/93	Handwritten fax from A. Gundersen. (5 pages)
82.	1/23/92	Memorandum of Call, w/attached handwritten notes. (2 pages)
83.	1/28/93	Memo from A. Gundersen. (1 page)
84.	1/29/93	Letter from B. Hayes to A. Gundersen. (1 page)
85.	2/5/93	Handwritten fax from A. Gundersen. (1 page)
86.	2/8/93	Letter from E. Hadley to B. Hayes. (1 page)
87.	2/9/93	Fax from A. Gundersen. (2 pages)
88.	2/11/93	Letter from B. Hayes to E. Hadley. (2 pages)
89.	2/12/93	Fax from A. Gundersen. (2 pages)
90.	2/12/93	Letter from B. Hayes to A. Gundersen. (1 page)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
91.	2/15/93	Message from I. Sikorsky. (1 page)
92.	2/16/93	Fax from A. Gundersen. (3 pages)
93.	2/17/93	Sample Record of Allegation Panel Decisions. (6 pages)
94.	2/19/93	Handwritten faxed letter from A. Gundersen to B. Letts. (2 pages)
95.	3/2/93	Fax from A. Gundersen to B. Hayes. (2 pages)
96.	3/2/93	Fax letter from A. Gundersen to Sen. Lieberman. (2 pages)
97.	3/8/93	Penn Central Corporation Annual Report, 1991, sent w/note from A. Gundersen. (3 pages)
98.	3/18/93	Fax from A. Gundersen to B. Hayes. (2 pages)
99.	3/22/93	Fax from A. Gundersen to B. Hayes. (1 page)
100.	3/23/93	Fax from A. Gundersen to E. Wilson/R. Fortuna. (2 pages)
101.	4/10/93	Letter from M. Cioffi to E. Wilson. (1 page)
102.	4/11/93	Affidavit of Edward Mroczka. (1 page)
103.	4/14/93	Letter from R. Cooper to W. Manion. (1 page)
104.	4/19/93	Letter from B. Letts to C. Masten, with attachments. (6 pages)
105.	4/23/93	Letter from M. Cioffi to E. Wilson. (1 page)
106.	5/3/93	Correspondence Control ticket, attaching letter from Margaret Gundersen to Chairman Selin, with enclosures. (37 pages)



APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
107.	4/5/93	Letter from A. Gundersen to J. Lieberman. (4 pages)
108.	5/5/93	Fax from E. Hadley to J. Lieberman, attaching 3/5/93 letter. (4 pages)
109.	5/11/93	Fax from A. Gundersen to B. Hayes. (4 pages)
110.	5/11/93	Letter from B. Letts to T. Segrue, w/attachment. (4 pages)
111.	5/12/93	Letter from J. Lieberman to W. Manion, w/attachments. (8 pages)
112.	5/25/93	E-mail from B. Summers, w/attachment. (4 pages)
113.	5/27/93	Letter from M. Gundersen to R. Rosano. (2 pages)
114.	6/3/93	Memo to file from E. Wilson. (2 pages)
115.	6/9/93	Letter from M. Gundersen to J. Lieberman. (3 pages)
116.	6/10/93	Memo to File from E. Wilson. (1 page)
117.	6/14/93	Letter from J. Lieberman to A. Gundersen. (1 page)
118.	6/14/93	Memo from B. Hayes to T. Martin, re Case No. 1-92-021R. (1 page)
119.	6/24/93	Letter from M. Stoff: to J. Lieberman. (15 pages)
120.	6/24/93	Memo from B. Hayes to D. Williams re Case No. 1-92-021R. (1 page)
121.	6/25/93	Letter from R. Fuhrmeister to A. Gundersen. (1 page)

APPENDIX F  
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY  
(Continued)

NUMBER	DATE	DESCRIPTION
122.	12/3/93	Memo from B. Hayes to E. Jensen. subject: Report of Investigation - Case No. 1-92-021R - NES. (1 page)
123.	1/24/94	Fax from A. Gundersen to B. Hayes. (1 page)
124.	1/26/94	Memo from A. Gallow to R. Watkins. (1 page)
125.	2/16/94	Letter from J. Lieberman to A. Gundersen. (1 page)
126.	Undated	Investigative Plan. (1 page)
127.	Undated	Handwritten fax from A. Gundersen. (2 pages)
128.	Undated	Handwritten fax from A. Gundersen. (2 pages)
129.	Undated	Memo from F. Costello to P. Swetland. (2 pages)
130.	Undated	Handwritten notes. (15 pages)
131.	Various	Conversation Records. (21 pages)
132.	Various	Conversation Records. (16 pages)
133.	Undated	Handwritten notes. (31 pages)
134.	Undated	10 CFR 19.11. (2 pages)
135.	Undated	News articles. (3 pages)

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FREEDOM OF INFORMATION  
ACT REQUEST

April 20, 1995

FOIA-95-191  
Rec'd 4-25-95

Mr. Russell Powell  
FOIA Branch Administrator  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Freedom of Information Act Request for Records

Dear Mr. Powell:

This firm is currently engaged in litigation in which an individual, Arnold Gundersen ("Gundersen"), has raised certain purported violations of health and safety laws. Please provide us with copies of the following documents:

1. All documents concerning an inspection or investigation performed by an NRC investigator at Nuclear Energy Services, Inc. (n/k/a NES, Inc.), 44 Shelter Rock Road, Danbury, Connecticut 06810, on or about July 1990, at the instigation of Complainant Gundersen, including, but not limited to, complaints, letters, investigation notes, field notes, logs, affidavits, reports, conclusions, findings, and any record of actions taken pursuant to the inspection or investigation.
2. The report issued by the Nuclear Regulatory Commission ("NRC") on October 24, 1990, concluding that Nuclear Energy Services, Inc. had not violated any Commission regulations with respect to Gundersen.
3. All documents concerning an inspection or investigation performed by a Department of Labor Wage & Hour Administration investigator at Nuclear Energy Services, Inc. (n/k/a NES, Inc.), 44 Shelter Rock Road, Danbury, Connecticut 06810, on or about July 1990, at the instigation of Complainant Gundersen, including, but not limited to, complaints, letters, investigation notes, field notes, logs, affidavits, reports, conclusions, findings, and any record of actions taken pursuant to the inspection or investigation.
4. The report issued by the Department of Labor Wage & Hour Administration on July 12, 1990, ruling that discrimina-

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tion was not a factor in Gundersen's termination from Nuclear Energy Services, Inc., and advising Gundersen of his right to appeal within five days to the Department of Labor Chief Administrative Law Judge.

5. The settlement agreement entered into between Gundersen and Nuclear Energy Services, Inc. on December 20, 1990.
6. The February 12, 1991 letter sent by Gundersen to the NRC claiming that the settlement agreement with Nuclear Energy Services, Inc. contained paragraphs that were illegal and therefore null and void.
7. All documents concerning an inspection or investigation performed by an NRC investigator at Nuclear Energy Services, Inc. (n/k/a NES, Inc.), 44 Shelter Rock Road, Danbury, Connecticut 06810, on or about June 1992, at the instigation of Complainant Gundersen, including, but not limited to, complaints, letters, investigation notes, field notes, logs, affidavits, reports, conclusions, findings and any records of actions taken pursuant to the inspection or investigation.
8. The Notice of Violation issued by the NRC on July 12, 1992 to Nuclear Energy Services, Inc., citing seven violations related to Nuclear Energy Service, Inc.'s radiation safety program.
9. All documents concerning an inspection or investigation performed by a Department of Labor Wage & Hour Administration investigator at Nuclear Energy Services, Inc. (n/k/a NES, Inc.), 44 Shelter Rock Road, Danbury, Connecticut 06810, on or about June 1992, at the instigation of Complainant Gundersen, including, but not limited to, complaints, investigation notes, field notes, logs, affidavits, reports, conclusions, findings, and any record of actions taken pursuant to the inspection.
10. The report issued by the Department of Labor Wage & Hour Administration on July 28, 1992, finding that Gundersen failed to appeal original ruling within five days and that misstatements claimed by Gundersen were not related to original ruling.
11. All documents concerning an inspection or investigation performed by an NRC Office of Enforcement investigator at Nuclear Energy Services, Inc. (n/k/a NES, Inc.), 44 Shelter Rock Road, Danbury, Connecticut 06810, on or about August 1992, at the instigation of Complainant Gundersen,

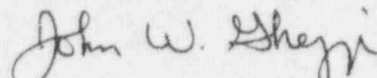
including, but not limited to, complaints, letters, investigation notes, field notes, logs, affidavits, reports, conclusions, findings, and any record of actions taken pursuant to the inspection or investigation.

12. The September 25, 1992 report and recommendation from the Administrative Law Judge recommending dismissal of Gundersen's June 1992 complaint to Department of Labor Wage & Hour Administration.
13. The January 19, 1993 opinion of the Secretary of Labor adopting the Administrative Law Judge's report and recommendation and dismissing Gundersen's appeal.
14. All documents concerning an inspection performed by an NRC Office of Investigations investigator at Nuclear Energy Services, Inc. (n/k/a NES, Inc.), 44 Shelter Rock Road, Danbury, Connecticut 06810, on or about June 1993, at the instigation of Complainant Gundersen, including, but not limited to, complaints, letters, investigation notes, field notes, logs, affidavits, reports, conclusions, findings, and any record of actions taken pursuant to the inspection or investigation.
15. The report issued by the NRC Office of Investigations on June 14, 1993 concluding that Gundersen was laid off as a result of a legitimate business decision.
16. All documents from the NRC Office of Inspector General referencing Gundersen and Nuclear Energy Services, Inc. n/k/a NES, Inc., including, but not limited to, Office of Inspector General Report No. 91-72A.
17. All documents from the NRC Office of Enforcement referencing Gundersen and Nuclear Energy Services, Inc. n/k/a NES, Inc.
18. All documents from the NRC Office of Inspector General referencing Gundersen and Nuclear Energy Services, Inc. n/k/a NES, Inc.
19. All documents from the Department of Labor Wage & Hour Administration, referencing Gundersen and Nuclear Energy Services, Inc. n/k/a NES, Inc.

Mr. Russell Powell  
April 20, 1995  
Page 4

Thank you for your attention to this matter. If you need additional information, please do not hesitate to call me.

Very truly yours,

  
John W. Ghezzi

JWG/sm

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