

MEMORANDUM FOR: Paul D. Swetland, Chief, Industrial Applications Section C
FROM: Francis M. Costello, Senior Health Physicist
SUBJECT: Telephone Conversations Regarding NES Allegations

ALBERT GUNDERSEN - December 27, 1991

On December 27, 1991, Mark Robert and I contacted Albert Gundersen to discuss his concerns about Nuclear Energy Services which were expressed in a November 26, 1991 letter to Senator Lieberman. We asked Mr. Gundersen whether (1) he was aware of any radioactive material at the NES Darien, Connecticut facility other than the sources and the material in the parking lot; and (2), if he had any other safety issues other than those which he had expressed previously.

Mr. Gundersen said that he was unaware of any other radioactive material brought back to the Darien facility. He said that the radioactive material discovered in the Accounting safe had been brought to a locked vault in the basement of the Darien facility but he did not know if that vault had been used to store any other radioactive material.

Mr. Gundersen said that he could think of no other safety issues but that he would refer to the files at his home and send additional information to NRC Region I later. On December 28, 1991, Mr. Gundersen sent the attached telefax. This document reiterated previous concerns but provided no new information about safety issues at NES.

MARLENE TAYLOR - December 30, 1991

On December 30, 1991, I spoke by telephone with Marlene Taylor, who conducted the July 24, 1990 inspection which reviewed Mr. Gundersen's allegations. Ms. Taylor said that the NES President, Mr. Manion, said that NRC Form-3's had "always" been posted at the Darien facility. She said that she had confirmed that these forms were posted on the day of the inspection but that she had not inquired into whether they had been posted in the past.

Ms. Taylor said that she had discussed the activities of the licensee's Radiation Safety Committee and was told that the Committee members had talked to each other on the phone but that no meetings were held because there were no activities being conducted under the NES license. She added that there were a number of issues which she did not review in detail because the licensee was not working under the authorization of its own license.

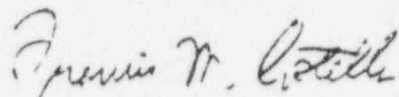
F/129

Refer R1

She said that she was aware of the question of radioactive material in the parking lot but that she did not recall reviewing this matter during the inspection. With regard to the activity of the calibration sources found in the Accounting safe, she said that Mr. Manion provided the information which led her to conclude that these were sources exempt from the requirements for an NRC license.

GLENN ROBERTS - December 30, 1991

On December 30, 1991, I spoke by telephone Glenn Roberts, who assisted Marlene Taylor in the inspection of NES on July 24, 1990. Mr. Roberts confirmed that Mr. Manion had said that NRC Form-3's had "always" been posted. He also said that he believes the inspectors did not review the issue of radioactive material in the parking lot and that he remembers that Mr. Manion provided the information on the activity of the sources in the Accounting safe which indicated that these were "exempt" sources.



Francis M. Costello
Senior Health Physicist

x#7
multipl
examples

whole
document
7/14

Issues

① - porting of Form 3

- in place 87-001, 90-001, 92-001.
- current RSO stated first job was to change Form 3 to reflect RSO change (4/90)
- employee remembers seeing Form 3 since started 1985 although at the time ~ 80% of time
- ex RSO LARSON admits that may have been periods of time when Form 3 wasn't posted - wasn't perceived as necessary
- [open] want to speak with Morin regarding his comment 90-001 that Form 3 "always posted".
- bottom line, assuming NO 30.9 issues, Guideword identified - therefore licensee identified, low severity level, licensee immediately took corrective action - no citation violated

② Appointment of RSO

- NO RSO 9/2/89 - 4/90, during which time licensee activities occurred on Channel. Ex RSO unaware of any delegation of RSO Authority on time.

[open]

- Personnel director remembers some action taken, looking for records. With to go comment from Morin/Trejo.
- may have a violation for failure to have RSO during licensee activities.
- Guideword pointed out proposed RSO not blessed or required by REC - program requires in statement of policy, Doc. # P2A8001 that ... "A REC be formed & maintained to ensure compliance with and oversee implementation of the program. A RSO shall be appointed to oversee RSO provide direct control for the implementation of this program"

vio

13/10/90

- current RSO also not know if he was so opposed by RSC, want to inquire of Marion

~~via possible violation of program requirements~~

X

- Gundersen alleges that Trays, signer of amendment to 022 new RSO, was Director of Sales. Mr. Trays signed as Director of Plant Services - we had previous correspondence with Mr. Trays as Director of Plant Services - in this correspondence Mr. Trays committed NCV funds.

- bottom line that amendment request must come from license management - I don't believe that there is any discrepancy that Mr. Trays is, and was at the time of the amendment request, manager.

X

- Gundersen alleges that emergency procedures were not considered to reflect change in RSO. - This was identified by license internal audit 8/90 - appears to be correct as documents submitted for license renewal in 1990 have been updated.

- bottom line, license identified + corrected NCV

(C) RAM at NES

- current RSO (with Conroy since 1990) and HP Tech (with Conroy since 1995) stated that, other than exempt quantity sources found 4/90 in the safe, knew of no other occasion when RAM brought to NES. Neither knew where the material found in the safe came from or where it went.

- SO-06 identified that material deposit of things to G. Gundersen.

- wish to have Mr. Marion / Trays document material in safe

- also wish to ask Mr. Marion / Trays if they knew of any other case where RAM was brought over.

[open]

[open]

- allegedly alleged RAM in parking lot (5 gallon poly bottle).
- Current RSO believes that may be talking about 5 gallon poly bottles which were passed of David + fill up for four hours.
- Current RSO said that several witness info were returned to NCS after Shippingport job. - prominently labeled RAM
- Ask Mr. Loring (ex RSO), he had no knowledge of event.

[OPW] - Ask Monitor/Trip/Needham about NCS equipment returned from Shippingport jobsites - contaminated labels - current status

① Licensal services - AD Little + Chemtrail → in order

[OPW] Ask Trip/Monitor about Tripod fuel rock job - any use of license.

⑤ RSC

- meetings required quarterly prior to 8/8/88 meeting - NOT violation
- ex RSO + Gundersen remember a few meetings prior to 8/88, need to get David. RSO has no records of meeting prior to 8/88.
- [OPW] - ask Monitor/Trip about RSC meetings prior to 8/88
- 8/88 RSC meeting voted to meet annually or as directed by Chairman.
- No meeting 1990
- VIO - Apparent violation to hold RSC meeting on the regional highway.
- No annual review of program by RSC prior to 8/90 - ^{license} identified
- Council - NCV

① Review

- requires review of all projects where no personal records
reasonable experience and sampling w

Leland says to his knowledge no delegation of authority

(2) RSO appointment

Leland took leave of absence 9/2/89. No personal dinner before that a delegation of authority was performed - could not locate on inspection. Collateral began work Nov 10/89

- Chemical job was ongoing until 12/14/89.
- Leland returned 12/89, closed out office, and resigned effective 1/2/90.
- no jobs have occurred under the license since 12/14/89 (Chemical)
- letter to NRC requesting amendment dated 4/15/90. - amendment issued 6/8/90. Collateral said he was made RSO in April '90.
- amendment request signed by Tays as Director of Plant Services. Mr. Tays had signed correspondence to NRC previously. Mr. Tays obviously management level individual.
- procedures were not modified to reflect changes in RSO - 12/89 8/90 amendment - license amendment submitted 7/20/90 does have changes.
 - Tays says version Collateral had older copy - updated 7/90
- my delegation of authority of RSO
- what was RSO's function on Chemical (conditions, etc)
- were there further tasks over

regarding RSO blessing by RSC - apparently never occurred. was this required... only indication of this requirement in the program is FARPOD "Statement of Policy", para 5 where it states... "A RSC shall be formed and maintained to ensure compliance with and correct implementation of this program. A RSO shall be appointed to oversee & provide direct control for the implementation of this program"

⑦ Radioactive Material at sites

- Collated says that they interpret their license to mean that they cannot bring any RAM to NCS
 i.e. "Licensee material shall only be used on temporary jobs sites of the licensee"

- Collated produced a letter dated 10/25/90 to KI that Mr. Collated says ignores or interpreted of this condition. Mr. Collated is concerned that since collated sources are listed as license, and L-10 authorities use only on temporary jobs sites, that they are prevented from returning source, even exempt quantity, to the Shelton Rock Rd facility. I'm not sure that the letter adequately states this concern.

- Mr. Collated states that to his knowledge, no RAM, other than the sources located in the vault, has ever been brought to NCS - doesn't know where these sources come from

- Mr. Needwith states that no RAM was ever brought to NCS other - and the sources located in the vault don't know where they come from - Mr. Needwith was the HP collated to survey + remove the sources. Wound who found sources turn w/ Gwaden

- Neither Collated or Needwith knew of the ultimate disposition of the sources found in the vault.

- The company has a 6 month inventory / look back of all sources - ^{current} inventory also include the sources found [Inv. list 11/91]

- regarding alleged RAM in party lot - Collated / Needwith had not previously heard of this, hypothesize that the "party lot" was part of a glove box "draw + fill rig". These bottles come in 5 and 15 gallon size and were permanently sealed or containing RAM - NCS apparently possessed a large number of these - some never used but were then disposed of

This letter is not in book folder.

Unrecorded things in book folder Lic. grant was by law only on sites - only except chills source

these 2.3 I need about a party bottle

after the Shipyard job. Collet stated that there was one in his office when he first started.

- Jones supervision of source in role with Moris - 90-001 Inspector told that they were transferred to the U. Government.

- Jones knew with Loral - Loral in knowledge of how in party lot

- Mr Collet stated that all how is stored on Chemical site. When Chemical done, will depend of source on transfer - at least until ruling of ability to have how at New facility.

Loral says equipment returned from job on Shipyard was contaminated - Talk to Newmark. New contacted to discuss widespread tanks - gas, heat, etc. mildly contaminated.

④ Licensed services - AD Little

- NRC performed work under the license to ship and installation from AD Little, Cambridge Mass to Nevada in Colorado.
- No request by LC to notify NRC 3 days in advance by writing prior to establishing a job site. Our files indicate that the first time we heard about the job was after the fact in a telecast news story. 5/11/89 (job occurred 3/6/89)
- However Gundersen supplied us with a letter from Joe Di Santi of NRC (project mgr for AD Little job) to NRC notifying of AD Little job - letter dated 2/28/89 - well in advance.
- spoke with Bill Neekrath about Little job - Neekrath assisted Di Santi. Apparently AD Little removed the license, 162.5 Ci Co source activity, and NRC placed in NRC-5 case - sealed canister - known canister transported to Colorado with aid of a broker to clear Colorado customs.
- Mr. Colloher could not easily locate job news. Neekrath remembered Terry Shippy contacted, surveying to confirm AD Little, and checking for current leak test. Mr. Neekrath stated that the job was not ordered.
- a presentation of job was made to REC by memo 8/5/89.
- spoke to Chris Mantel of AD Little, Mr. Mantel will send copy of job news to NRC
- drawings supplied by AD Little
- canister QA/certification was current [exp 1/71/90
[cert. exp. now]]

Tracy says
one did
to RI

④ License services - Chemetrol, Newburgh Heights Ohio

- NES notified via telecall 5/11/85. Recontact written notification dated 5/10/85. Job started 6/85
- Chemetrol had license which was terminated by RIII.

RIII later discussed the contamination at site, re-issued a license through Headquarters for possession of materials.

4.1 Contam

< 2:00 PM

PD,

< 2:20 PM

2

- Chemetrol hired Remco to excavate the contaminated soil and package in DOT 17H drums. Remco placed sealed drums at Truck. LSA WD 2912 L-24 2220 6/12/85 telephone
- NES had to provide HP support to Remco (airways, bioassays, etc.) when Chemetrol licensed and to ship the contaminated soil when NES license. NES surveyed and inspected each drum, manifested the waste, signed the certification, and shipped via exclusive van to Bondwell. Shipped 27,000 ft³ soil - job ceased when the license of 12/12/85. Also surveyed vehicles upon return from Bondwell
- NES maintains presence when Chemetrol's licensed - security.
- NES stated that RIII inspects Chemetrol very frequently (do we want RIII to do anything for us?) → inspect next week
- Nachreiner stated that the Chemetrol job was reviewed by Lorad and Moriel several times.
- needs very good, transportation in order
- NES discussed Chemetrol job of 5/1/85 with (job in progress)
- I want to talk with Lorad about this?
- check with Moriel re: Trojan Nuclear fuel rods job - was this under Trojan's license?

re: Tregon fuel rocks - Lower says Ned manufactured
rocks - was same size of a problem - made removal,
probably total offset, and secured - my home bar done
under a license like Alford, my home bar done under
Ned license...

⑤ Activities conducted under other licenses

- not even spectrum of simply passing work to arriving clients with procedure developed, systems, etc.
- NE RSC is not involved with this type of work, procedure, if required, are developed by NE staff and provided to client for approval & adoption.
- RSC stated that some client work doesn't even come into NE though his department - may come in through engineering practices, etc.

Jobs under clients' licenses -

Care Worned - Took over program - now - rebuilds

Kelly Kott, CMA - medium cleanup EPA superfund

W. CMA - same as Care Worned, Collected over Normal as RSC

Chemical - Collected now as RSC

NE Unit - work performed mostly through other service lines

ITOP Business - decom. hot calls

Perkley

Shipping pack

- jobs ordered by client & NE staff

NCS Organization

- Point Central (Cingularwireless) - has several wholly owned subsidiaries, phone worked over sub - Mr. Kenny

Mr. Kenny



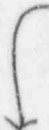
Mr. Moniel, President NCS



Tom Keenan, Exec VP



(3) Line Manager



Treys, GM Road Services



RSO [From NCS South number] - Contractor

[Recently given notice]

Not even worked yet

George Hamilton was laid off 9/98

for road safety, RSO number of RSC

Moniel RSC Chair

Treys

Collaboration

Louis (was at Columbia)

Ryod (RPI)

RSC

82AF001
item 2.1.3.0

X
Shaw 2.
5 pages
item 2.1.2.0
RSC review +
approval changes

Lownd says
through
quality.

- meetings were required once per calendar quarter prior to 8/8/89 RSC meeting - RSC approved change to "annual", unless called by Chairman. Policy being developed now says annual when license not involved, quarterly when involved.
- Guideword refers to early meeting of RSC
- Colloher cannot locate any record of RSC meeting from 8/8/89. No meeting in 1990.
- meeting on 6/4/91
 - Ashby discussed audit reports of 8/90
 - Royal & Louis explained of not being kept advised of RSC activities and also had to record 1989 minutes
 - discussed letter to NRE regarding interpretation in ^{NES} ESR 3074
 - discussed need to centralize document records
- no discussions of material in safe, other allegations, in minutes
- RSC telecall 12/6/91 - subject? discussed review process.
- Colloher says alot of telecall traffic in 1990 in response to Guideword's activities - Model has records
- NO ANNUAL REVIEW / reports by RSC prior to 8/90 ^{req. 82AF002 item 3.3}
(also reports environmental in document) ~ identical records
- 8/8/89 meeting discussed AD Little job - attention from, not Chairman, ongoing effort
- Lownd says may have had a couple RSC meetings prior to 8/89
Does not believe any program review occurred by RSC

Program — filled with job results

training — New staff responsible for quality training, testing.

training — continuously observed

testing — performed internally, at least once per year — Termination

audits — Not at AD Little, yet to be conducted

instrumentation — shipped to calibration at end of job — returned

shipped directly to next site ... Site supervisor responsible

for maintaining calibration. Not very concerned with calibration

as some companies have lot numbers / not been paid due

to instrumentation calibration, improper instrumentation, etc.

eg. all projects where New personnel received new mobile exp.,
and. sampling was performed, or where Rom was deployed at or
a licensed facility.

Archby's audit [QA Mgr, responsible para 50, page 3]

- requested by Monitor
- performed by Archby 8/90, reported to Monitor 5/25/91
- reports circulated to RSC
- did not go into body of report, merely (related to the program scope)
- discussed by RSC 6/4/91 and met (convened by Archby)
- findings - program content
 - more updates procedures to show organizational changes
 - discussed need to have briefing rep. in program
 - subject of each project
 - RSC verification of implementation of directions, procedures, recommendations
 - annual RSC review/reports
 - need reports returned (forms)
- audit scheduled 1/92 - will go into details
- Archby feels that audit will be sound
- Collored advised that all program documents not completely final

CONVERSATION RECORD		TIME 400	DATE 7/23-90
TYPE <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE		<input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	
Location of Visit/Conference:			
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Arndt Gundersen	ORGANIZATION (Offs, dept., bureau, etc.) Former NIS employee	TELEPHONE NO. 203 868-7310	
SUBJECT Progress of Allegation # RI-90-A-0075			
ROUTING NAME/SYMBOL INT			
SUMMARY			
<p>Mr. Gundersen asked about progress in the case and offered any help or additional information.</p> <p>I informed Mr. Gundersen that an inspection was planned and that there had been an OI referral. I told Mr. Gundersen that I did not know of anything else he could do at this time.</p> <p>He requested to be called after the inspection. I told him that I would check policy and call if appropriate.</p>			
ACTION REQUIRED			
NAME OF PERSON DOCUMENTING CONVERSATION Glenn Roberts		SIGNATURE Glenn Roberts	DATE 7-23-90
ACTION TAKEN			
SIGNATURE		TITLE	DATE

7
SUBJECT
RELATES
To FOIA-92-435

F/131

CONVERSATION RECORD

TIME 5:30p

DATE 6/20/90

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL INT

J White

G Roberts

J. J. J. J.

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Amie Gunderson

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

SUBJECT

SUMMARY

Monday would be ok. Gunderson plans to arrive about 10:30 am. Will bring copies of the material he discussed with Glen Roberts.

Ex = 7

ACTION REQUIRED

Prepare to meet with Gunderson

NAME OF PERSON DOCUMENTING CONVERSATION

Lee Bettenhausen

SIGNATURE

Lee Bettenhausen

DATE

6/20/90

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME
12:30

DATE
6/22/90

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

ROUTING

NAME/SYMBOL INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Gunderson

SUBJECT

Confirmation of Monday visit; feedback re
complaint to OSHA/DOL

SUMMARY

Returned contact's call and confirmed time
change for Monday visit.

Also discussed my conversations with DOL/OSHA/
Hartford and DOL/Wage & Hour/Hartford. Gunderson's
complaint filed w/ DOL/OSHA where regs require
this type of complaint to be filed w/ DOL/W&H.
stated that ~~OSHA~~ DOL would work to resolve
this on Monday.

E. 7

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Lee Bettenhausen

Lee Bettenhausen

6/22/90

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME

~ 9:30 am

DATE

6/22/90

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

ROUTING

☐ INCOMING

☒ OUTGOING

1-7

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT

WITH YOU

KEW JACKSON DL/WAGE&H
BRENDA GORDON DL/OSHA

ORGANIZATION (Office, dept., bureau, etc.)

DL/Hartford CT

TELEPHONE NO:

SUBJECT

COMPLAINT BY ARNOLD GUNDERSEN

TA PL
White doc

SUMMARY

Don Holody & I called Jackson to see if Gundersen's complaint had been filed with DL/Wage&H Div as prescribed by OSHA regulation. It had not been. We then called Brenda Gordon who had referred the matter to NRC. Brenda believed that she was dealing with an 11(c) discrimination complaint properly filed with OSHA. After Holody explained the Energy Reorganization Act implication, Gordon agreed to promptly contact Jackson and assure appropriate filing of the Complaint. She will then call Bettenhausen back. The OSHA referral was received in Region I on 6/20, read by Bettenhausen ~ 6 pm 6/21 and reviewed with DoL 6/22 9:30 am

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

Lee Bettenhausen

SIGNATURE

Lee Bettenhausen

DATE

6/22/90

ACTION TAKEN

SIGNATURE

TITLE

DATE

1/1/91

CONVERSATION RECORD

TIME

950 - 1130 AM

DATE

6-25-90

TYPE

☐ VISIT

☒ CONFERENCE

☐ TELEPHONE

☐ INCOMING

☐ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Arnold Gundersen

Former NES Employee

SUBJECT

Meeting & Presentation by Allegor

Whole dx

Ex =

SUMMARY

John White discussed the "need to know" philosophy of confidentiality.

In reference to a more formal agreement, Mr. Gundersen replied "I don't see a need for it." Mr. Gundersen stated he had two goals; 1) to correct the safety concerns he had for his former co-workers, and 2) personal obligation to family to support w/ salary.

Mr. Gundersen had consulted w/ Ken Drake throughout the incident.

The details of the meeting are the subject of three packets of information which Mr. Gundersen provided:

- 1) "Chronology of Events", 2) "Exhibits" (1 thru 14), and 3) Addition info. (letter from Mr. Sikorsky, resume, and financial statement)

The apparent violations identified include the following:

- 1) lack of control of material (April 12, 1990 incident & previously 1 yr ago)
- 2) Failure to post NRC Form 3 and provide license to employees
- 3) lack of RSO for 3 months and improper signature on NRC correspondence
- 4) lack of quarterly RSC meetings, 5) lack of ancillary personnel training
- 6) destruction of internal audit findings, and 7) Presence of material at licensee's facility

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Glen Roberts

Glen Roberts

6-27-90

ACTION TAKEN

SIGNATURE

TITLE

DATE

Ref. R1

CONVERSATION RECORD

TIME

10³⁰ AM

DATE

7-6-90

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Arnold Gundersen

Former NES employee

SUBJECT

Allegation

SUMMARY

Do assigned Judith McFadden to Mr. Gundersen's cell
" " phone #'s 203-579-574

Mr. McFadden at NES today - 574
" " had interviewed Mr. Gundersen earlier in the
weeks for an entire day

Craig Anderson's phone # 203-266-4575

Ex #7

SUBJECT TO
FOIA 92435
B7D

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Glen Roberts

7-6-90

ACTION TAKEN

SIGNATURE

TITLE

DATE

DATE 10/15/90

TELEPHONE OR VERBAL CONVERSATION RECORD

TIME ☐ A.M.
☐ P.M.

☒ INCOMING CALL and ☒ OUTGOING CALL ☐ VISIT

PERSON CALLING Margaret Gunderson OFFICE/ADDRESS PHONE NUMBER | EXTENSION 203/868-9310

PERSON CALLED Lee Bettenhausen OFFICE/ADDRESS PHONE NUMBER | EXTENSION

CONVERSATION

SUBJECT NES Inspection and Licensing

SUMMARY called to ask how to obtain copy of inspection report on NES conducted by NRC and status of new license for NES.

I checked with John White and found that a clear SRI was issued for the inspection, but a formal documented report was in the final stages for preparation. The license was deemed timely renewal while the staff considers the impact of financial assurance on a license with such a large possession limit.

Then I called Mrs. Gunderson back and told her that an informal report identifying no violations had been issued, a formal report was being prepared, and the license was in timely renewal while the technical questions were being considered.

REFERRED TO:

ACTION REQUESTED NENC

whole
doc

ACTION TAKEN

Ex #7

NOT RECORDED

☐ ADVISE ME OF ACTION TAKEN.

INITIALS ec: J White

DATE L Bettenhausen

INITIALS R Bettenhausen

DATE M. Taylor

DATE J. Dwyer

Refer to R1

CONVERSATION RECORD

TIME

DATE

1/12/82

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Howard L. L. L.

Former NRC, currently NRC

492-7703

SUBJECT

NRC

SUMMARY

- ① Former party - L. L. L. said G. L. L. may be correct - L. L. L. doesn't think that Form 1's would be necessary - L. L. L. pay attempted. Form 1's may have been passed - L. L. L. would know as he traveled ~ 80% of the time
- ② RSC meeting - L. L. L. believes that there may have been a few passes to her regarding it 1989.
- ③ Your resignation - L. L. L. doesn't believe that any obligation of testimony was done while he was at leave of absence.
- ④ Record of R. L. L. to see - suggested we check for possibility of commuted expatriate material falling Shippingport job.
- ⑤ Asked about T. L. L. job - said to speak with T. L. L. in N. L. L. about this, know that some offices about was done - thinks that it was done with another house.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

page 1/2

CONVERSATION RECORD	TIME	DATE
	11:30	1/24/92

TYPE ☐ VISIT ☐ CONFERENCE ☒ TELEPHONE ☐ INCOMING ☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU	ORGANIZATION (Office, dept., bureau, etc.)	TELEPHONE NO. (207)
Arnold Gundersen	SEK	PLP-9710

SUBJECT
New information

SUMMARY

Your letter to Frank Corallo stated that you could provide names of three individuals who could confirm your allegations. Mr. Gundersen said to contact Steve Harvey - laid off in 1991 - 2/3 months after Gundersen left NER. Mr. Harvey went to Gundersen's home + brought some tapes saying, "look when they first started at NER. I asked Mr. Gundersen if this meant that Tom TV were not part of the time he left the company. Mr. Gundersen stated that no Tom TV were part of the day he left NER. Mr. Gundersen said to contact Mr. Ken Deskyne - still employed as a manager with NER - said that Deskyne was a good friend of his - Gundersen cleared names with Deskyne before submitting - Deskyne wanted for Gundersen - Gundersen suggested that Deskyne could speak to broad issues. Mr. Gundersen said to contact Mr. Bob Akby - Akby was apparently contacted by Gundersen regarding Frank St. Akby told Gundersen that this was outside of his purview.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE

ACTION TAKEN

SIGNATURE	TITLE	DATE

11:30
1/24/92
Whole
Ex 7
708

Page 2/2

CONVERSATION RECORD

TIME

DATE

TYPE

☐ VISIT

☐ CONFERENCE

☐ TELEPHONE

☐ INCOMING

☐ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

SUBJECT

ROUTING

NAME/SYMBOL

INT

Continued

SUMMARY

I asked Mr. Gundersen if there was anyone on the Company who would be afraid to talk with us for fear of job. Gundersen said that Deskyne + Arthy would be happy in their reports to my superior. Mentioned that his (Gundersen's) old secretary was tentative to speak to Gundersen after Gundersen left - secretary no longer with her - Gundersen will provide number next week if we feel a need to contact - she typed memo re [I didn't see any record/need to contact on this time].

I told Mr. Gundersen if I was unable to contact anyone I would call him Monday for telephone number.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

Tele news - J. Dwyer

In a letter to Mr. Frank Costello of the Region I office dated January 4, 1992, Mr. Gundersen stated that he could provide the NRC with the names of three individuals who would confirm his allegations. On January 24, 1992, an inspector contacted Mr. Gundersen and was provided with the names of the three individuals. Mr. Gundersen stated that Individuals A and C could comment on Form-3 posting, Individual B could comment on Form-3 posting and other issues.

Individual A was contacted by the inspector on January 24, 1992. Individual A was employed by NES in the Engineered Products Section prior to being laid off by the company in 1991. The inspector asked Individual A about Form-3 posting at NES. Individual A stated that he was not associated with the group which was involved with the byproduct materials license however, he knew what a Form-3 was because he was made cognizant of the NRC and Federal Regulations during NES' QA Orientation. Individual A stated that he didn't remember seeing the Form-3 posted at NES but added that he didn't specifically look for the Form-3 and that they may have been posted. The inspector asked Individual A about a report by Mr. Gundersen that two to three months after Mr. Gundersen left NES, Individual A went to Mr. Gundersen's home and handed Mr. Gundersen a copy of a Form-3 stating, "look what they just posted at NES". Individual A stated that he did go to Mr. Gundersen's home after he had noticed the newly posted Form-3 on a bulletin board in the cafeteria. Individual A stated that after seeing the Form-3 posted in the cafeteria, he went around the building and noted several copies of the Form-3 posted. Individual A stated that he did not mean that NES had just posted Form-3's, only that they had just posted one in the cafeteria. Individual A had no idea how long the Form-3's had been posted in the other areas of the building.

Individual B was contacted by the inspector on January 31 and February 3, 1992. Individual B is currently employed by NES as General Manager of the Engineering and Technical Services Group. When asked about Form-3 posting, Individual B stated that, in general, the intent of posting was followed by NES. Individual B stated that prior to the office relocation in the summer of 1989, the old office was prominently and continuously posted with Form-3's. Individual B believes that, due to an oversight, there may have been a period of time after the office relocation when Form-3's were not posted in the new building. Individual B said that he is not saying Form-3's were not posted, just that he didn't remember seeing them posted. Individual B said that he first noticed Form-3's in the new building after Mr. Gundersen made an issue of the posting after finding the sources in the safe. The inspector asked Individual B about NES licensed activities and incidence of radioactive material being returned to the Danbury Facility, specifically, the report of radioactive material in the parking lot. Individual B stated that he was never involved with the group associated with the NRC byproduct materials license and had no knowledge of licensed activities or of radioactive material being returned to the Danbury Facility.

Individual C was interviewed by the inspector during the course of the inspection on January 9, 1992 and was contacted again by the inspector on January 24, 1992. Individual C is NES' QA Manager and is responsible for the 10 CFR Part 50, Appendix B program. When asked about Form-3 posting, Individual C stated that he was never focused on the forms, he was not sure if they were posted, where they were posted, or how many were posted. Individual C stated that approximately one week after Mr. Gundersen found the sources in the safe, Mr. Gundersen came into his office and spoke to him about the posting requirement. Individual C stated that he told Mr. Gundersen that Form-3 posting was not within his area of responsibility. Individual C added that after his conversation with Mr. Gundersen, he became more aware of Form-3's and noted that Form-3's were posted at this time.

INDIVIDUAL A - Steve Harvey (207) 796-9672

B - Ken Deskyne (207) 796-5000

C - Bob Ashby (207) 796-5000



2/17/92

CONVERSATION RECORD

TIME

1000+1701

DATE

3/10/92

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

1000

☒ INCOMING

1700

☒ OUTGOING

NAA

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Mike Vanda

ORGANIZATION (Office, dept., bureau, etc.)

Nes

TELEPHONE NO.

(207)

756-5741

SUBJECT

Source for id rate 4/90

SUMMARY

In response to a request made by Dyer to Tays, Mr. Vanda called to provide specific information regarding the five sources Mr. Gurdan had reported finding in the rate in April 1990. Mr. Vanda provided the following information:

- (1) 0.1040 pCi Mn 54 source (250ml epoxy) Irons Probes #200-84-2
 - (1) 0.1076 pCi Bi 207 source (250ml epoxy) Irons Probes #200-84-1 (Acc. prob.)
 - (1) 75 pCi/gm mixed beta source (250ml sand) - Vanda believes that this material was generated by Nes and calibrated in-house on 9/2/87
 - (2) Thorium 230 bare source - Vanda says model looks like ES-215 (November '91 inventory says 1.02 pCi ES-15) - Mr. Vanda said that he may be mistaken when he says ES-215
- Told Mr. Vanda that to be truly exempt gassing they must be distributed under an "E" license. Mr. Vanda will attempt to lead the pedigree of each source

ACTION REQUIRED

AWAIT RESPONSE

NAME OF PERSON DOCUMENTING CONVERSATION

Dyer

SIGNATURE



DATE

7/10/92

ACTION TAKEN

SIGNATURE

TITLE

DATE

3.20.92

CONVERSATION RECORD

TIME
9:40

DATE
7/26/92

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

NAME

Ex #7

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

William Moniel

ORGANIZATION (Office, dept., bureau, etc.)

Nor

TELEPHONE NO.

allegation
source

SUBJECT

Emergency Action Procedure + Sources

7A B

SUMMARY

Mr Moniel said that he heard we were trying to get some information from Mr Vondra re Emergency Action Procedure for Driving Site and other sources. I advised him I knew about procedure - said that this procedure was updated to some extent as current, procedure currently under review for revision also not list anyone, references RCP#6. Mr Moniel said that he would send us RCP#6 - had not been updated from Lored to Collored - is revised as of Vondra's desk for revision - not yet done. I told him that I was more concerned with failure to review for Collored, whereas Vondra just approved, we don't expect all procedure to be immediately changed, reviewing, and approved.

Regarding sources - said we were unsure that Collored call the source except primary - I told him that I was told except primary sources are not except him - leaving under distributed under "E" license - he said that this was new to him - I promised to send him the citation

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

[Signature]

[Signature]

7/26/92

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME

9:30

DATE

3/26/92

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Mike Vanele

ORGANIZATION (Office, dept., bureau, etc.)

Nes

TELEPHONE NO.

(207)
796-5761

SUBJECT

Source policies & emergency action procedures

SUMMARY

① Still digging regarding how Nes came to possess calibrated source
② Regarding Emergency Action Procedures, no activities at Duxbury Facility. Therefore do not have a site specific procedure for Duxbury, only for temporary job sites where licensed activities take place. I asked about Emergency Action Procedures (Doc. 82 APC10) which was provided to us as licensing process and named May as RSO contact. I told them Gundersen checked this procedure in 4/90 and found it not as RSO even though found good in paragraphs. I told him that when we were at Nes in 1/92, Callahan's copy had found Gundersen's name but we were told that this was a working copy - site specific procedure developed for each job site. Procedure currently in for review is correct, now only says to follow RCP #6 - Vanele will attempt to provide what we need.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME

4:00

DATE

3/20/92

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

NAME/

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Mike Varala

ORGANIZATION (Office, dept., bureau, etc.)

Ner

TELEPHONE NO.

(207)

796-5761

SUBJECT

Exempt quantity sources

SUMMARY

Told him that to be exempt from licensing sources must be distributed with an "E" distribution license. Once distributed as exempt, always exempt. Need for NCI to determine whether (S) sources found in the file in 1950 were originally distributed with an "E" license. If so, provide certification to that effect, if not, license material.

ACTION REQUIRED

await license response

NAME OF PERSON DOCUMENTING CONVERSATION

Duga

SIGNATURE



DATE

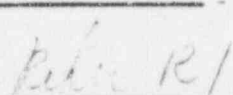
3/2/92

ACTION TAKEN

SIGNATURE

TITLE

DATE

 R1

CONVERSATION RECORD

TIME
9:20 - 5:50

DATE
4/1/52

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

A. Gundersen (at Attorney S. Kunkin's office)

ORGANIZATION (Office, dept., bureau, etc.)

Self

TELEPHONE NO. (207)

525-7474

SUBJECT

NPS issues - Also present with Gundersen were Igor Sikorsky and Paul Blanche of Northeast Airlines (Chicago)

SUMMARY

Paul Sikorsky and I contacted Gundersen for the purpose of confirming area of concern raised by Gundersen. The meeting was previously scheduled. I told all parties that my work in the report was almost done but that the report had not been reviewed or approved by management. Therefore, I was not able to discuss specific findings. I promised that they would receive a copy of the report when issued. I then presented the three areas I wanted to discuss. Regarding point 1, I reviewed information made by Gundersen (NO NRE-1 on license on 4/10 after fixing the sensors in the info, NO NRE-1 on license point up until the time Gundersen left the Congress in 5/50, has not been passed in type pass to Gundersen saying incorrect and were passed sometime after he left the Congress). Gundersen said that the information was accurate. Mr. Gundersen had reviewed the information he provided May 1951/24/52 - telecon with Dulger. I told Mr. Gundersen that we

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

Pike R1

CONVERSATION RECORD			TIME	DATE		
TYPE	<input type="checkbox"/> VISIT	<input type="checkbox"/> CONFERENCE	<input type="checkbox"/> TELEPHONE	<input type="checkbox"/> INCOMING <input type="checkbox"/> OUTGOING	ROUTING	
					NAME/SYMBOL	INT
Location of Visit/Conference:						
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU		ORGANIZATION (Office, dept., bureau, etc.)	TELEPHONE NO.			
SUBJECT						

SUMMARY

had ~~contacted~~ the individuals he named in 1/24/72 - did he
have anyone else that we should contact. Mr. Gwendol said
NO - commented that Ken Dasky left NPS in February 1972.
Mr. Blanche asked what our interpretation of agreement for party
was in NPS. I commented that my concern was that anywhere
license renewed elsewhere (Nashua keeps, record processing, etc.)
should have Form 3. Accidentally, a memo made by Blanche, his
personal was recently released by Taylor. Gwendol said that (4) and
after finding source he spoke with Nick Reynolds - told to look for
license / form 3 - Gwendol made sure the finding before
Eaton (use) found no form - so Dasky wanted too look
concluded no findings. Sikorsky said that his concern was that NPS
deceived in some other way in 1972. I asked Gwendol about
his memo that RQ must be approved by RSC. I used Document
FAPSC "Statement of Policy". Gwendol - major requirements letter - and

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
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ACTION TAKEN

SIGNATURE	TITLE	DATE
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CONVERSATION RECORD			TIME	DATE
TYPE	<input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input type="checkbox"/> TELEPHONE	<input type="checkbox"/> INCOMING <input type="checkbox"/> OUTGOING		
Location of Visit/Conference:				
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU	ORGANIZATION (Office, dept., bureau, etc.)	TELEPHONE NO.		
SUBJECT				

SUMMARY

elsewhere who said that RSC had to select members. I mentioned Dr. David P. P. P., from 2.1.1 which states that members are appointed by the Chairman of the RSC. Mr. Gundersen said that he would check the current info for books - i.e. I asked Mr. Gundersen also whether a license would be required to have an RSC and if activities not considered - Mr. Gundersen said that it was not clear they would have to have an RSC. I asked Mr. Gundersen about the report he said the license had to be renewed annually (in April). I referred to the requirements in P2AP007, item 5.4 and April - which talks about a requirement that RSC produce an annual report of environmental review for the year (in April). Mr. Gundersen said that this was the requirement that he referred to. Mr. Gundersen said that he had documents pertaining to it and that the license is active, and he would send a copy - he said that he could send the license to be active.

ACTION REQUIRED

for additional info from Gundersen regarding selection to RSC and 2 call Ken Deskyne.

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Dygon		11/8/92

ACTION TAKEN

SIGNATURE	TITLE	DATE

CONVERSATION RECORD

TIME

DATE

12:55

4/5/52

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Arnold Gundersen

SEH

(203)
865-9710

SUBJECT

Response to condition questioned

SUMMARY

① Karl Desky's home phone (203) 758-2715, Gundersen unknown that he signed a surveillance agreement.

② Regarding requirements for appointment to RSC - Gundersen is sure that the requirement is the one we previously discussed (see page 2.1.0) does not have this paper it is not. Mentioned that his copy is Revised 1 (1949) - we have Rev. 1 (1954). Mr. Gundersen is sure that procedure was being followed - he identified sources on 4/7, Taja proposed. Collected at 4/10 - Morrison Del testimony says that he didn't find out about sources until morning of 4/10. If you think that RSC appointments solely related to Gundersen's discussion of sources may be done Taja submitted amendments request w/o Morrison's approval.

③ Mr. Gundersen also correct point out that Morrison Del testimony line 78, of 8-9 from that Form T's not required to be present on this. Mr. Gundersen says this is not necessary, try to say if you cannot Form T's always present.

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Dugan



4/5/52

ACTION TAKEN

checked Morrison Del testimony - says Form T's present anyway.

SIGNATURE

TITLE

DATE



LHP

4/5/52

50271-101

U. S. G. P. O. 1963-361-526/6346

CONVERSATION RECORD

OPTIONAL FORM 271 (12-76)
DEPARTMENT OF DEFENSE

File R1

CONVERSATION RECORD

TIME

4:00

DATE

4/7/52

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Bob Ryan

ORGANIZATION (Office, dept., bureau, etc.)

Member, Nes' RSC

TELEPHONE NO.

(518)

226-4014

SUBJECT

Nes' inspection / A. Gaudin's concerns

SUMMARY

I told Mr. Ryan that I was completely at Nes' disposal of Nes, part of inspection was looking into the Gaudin's concerns, and I wanted to touch bases with him since he was at the US. Mr. Ryan said that he was very good friends with Mr. Gaudin. Mr. Gaudin was a resident of his. I asked Mr. Ryan about him getting at Nes, he mentioned that he would come when they were present in his own facility, but also Nes. Did not spend a lot of time at Nes, never looked for him. Asks about use of license - he stated that was majority of his involvement with client license - after some discussion, he recalled the ADL and Chemical jobs. He thinks very highly of Mowat and Nes and organization. He said that nothing was even suggested or withheld from RSC members, nothing was said. He mentioned being disturbed by Mowat falling the accident involving Du command. Still found Chemical in 10/50 - Mowat very thorough and open. Spent 1 1/2 hours at briefing. Ryan considered Nes' to be much better than some others that he is a member of.

NAME OF PERSON DOCUMENTING CONVERSATION

Dyer

SIGNATURE



DATE

4/7/52

ACTION TAKEN

SIGNATURE

TITLE

DATE

50271-101

U.S. G.P.O. 1963-381-526/8346

CONVERSATION RECORD

OPTIONAL FORM 271 (12-76)
DEPARTMENT OF DEFENSE

Refused

FILE 4
CDW 012

CONVERSATION RECORD

TIME

9 25 AM

DATE

4/9/92

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

ARNIE GUNDERSEN

CONSULTANT
SELF EMPLOYED

SUBJECT

NES, INC DANBURY, CT

SUMMARY

GUNDERSEN SAID HE AND PAUL BLANCH MET WITH KENT WALKER AND LEO NORTON (OIG) A COUPLE DAYS AGO. BLANCH ASKED HIM TO BE THERE AND INFORMED ATTORNEY ERNIE HADLEY (BLANCH'S LAWYER) OF THAT DESIRE. GUNDERSEN IS GOING TO MAKE A COPY OF A DEPOSITION TAKEN OF HIM BY THE PENN CENTRAL CORP (PCC) ATTORNEY (CHIOFFI) AVAILABLE TO OIG. HE SAID THERE ARE ISSUES CONTAINED THEREIN THAT HE BELIEVES SHOULD BE LOOKED AT BY OI. I INFORMED GUNDERSEN THAT IN ACCORDANCE WITH A M.D.U., THE OIG WOULD MAKE OI AWARE OF ANY MATTERS THAT FALL UNDER ITS JURISDICTION, AND VICE VERSA. GUNDERSEN WAS SATISFIED.

ACTION REQUIRED

PLACE IN FILE (NES)

NAME OF PERSON DOCUMENTING CONVERSATION

ERNEST WILSON, OI

SIGNATURE

Ernest Wilson

DATE

4/9/92

ACTION TAKEN

DISCUSSED WITH FOD (LETTB); PROVIDE COPY TO DWYER, DRSS; AND FILE

SIGNATURE

TITLE

DATE

F/132

12/4/92

CONVERSATION RECORD

TIME N 1530

DATE

6/15/92 #192-02

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

ROUTING

NAME/SYMBOL INT

Location of Visit/Conference: < RETURNED NRC COL TO WILSON >

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

MARGARET GUNTERSEN

ORGANIZATION (Office, dept., bureau, etc.)

NEWS REPORTER
NEW MICHIGAN TIMES

TELEPHONE NO.

(203)
351-2261

SUBJECT

GUNTERSEN / NRS LEGAL PROCEEDINGS

SUMMARY

(STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION)

PROCEEDINGS CLOSED IN A "SILENT" SUIT THAT WOULD

NIT WITH DATEX TESTIMONY IN STATE PROCEEDING

NRS DENIED ALL IN PROCEEDINGS BUT WAS INSISTENT

REPORT ALLOWS THEM TO ENTER AGAIN BEFORE

DOL (will petition before Secretary of Labor)

SAID NRS MORE NRS BEFORE NRC & DOL

ARNIE CURRENTLY ON SUB CONTRACT TO COMMUNITY HEALTH EDISON

SAID SHE STAYED MOST OF EVENING PUT TOGETHER

PART WEEKEND TO LAUNDRY TUB SIKORSKY

TO INCLUDE 12 MFS TO DOL & WHAT SHE

GETS BACK FROM LAUNDRY WOULD LIKE TO SEND

TO J (GIVE HER J. ITS MAILING ADDRESS)

READY TO LOSE THEIR HOUSE / THEIR SAVINGS ARE GONE

ACTION REQUIRED

MRS. GUNTERSEN QUESTIONED HOW OLD I WAS, IF I WAS MARRIED + IF I HAD CHILDREN

I DECIDED TO ANSWER THOSE QUESTIONS

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

BR/lt

BR/lt

6/15/92

ACTION TAKEN

SIGNATURE

TITLE

DATE

Release

CONVERSATION RECORD

TIME
N 1630DATE
6/18/92

TYPE

☐ VISIT☐ CONFERENCE☒ TELEPHONE☐ INCOMING☐ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT
WITH YOU

Ken Jackson

ORGANIZATION (Office, dept., bureau,
etc.)

DOL - Hartford

TELEPHONE NO.

(203)
243-4160

SUBJECT

GUNDERSEN'S DOL STATUS

SUMMARY

JACKSON ADVISED THAT:

- ① GUNDERSEN APPEALED DOL AREA DIRECTOR'S FINDING (FOR NIS/AGAINST CAMPBELL) TO US COURT OF APPEALS, 2ND CIRCUIT (FOREST, NY) VIA A PETITION FOR REVIEW (9/4/90)
- ② 2ND CIRCUIT ON 12/14/90 ORDERED THAT APPEAL BE DISMISSED (STAINED GLOMINTZ CLERK 2ND CIRCUIT, GLORIA BASS DEPUTY CLERK)
- ③ GUNDERSEN FORN'D INTERVIEW STATE + NARRATIVE REPORT BY DOL ON 2/26/92 - FOIA GRANTED
- ④ NOTHING IN HARTFORD DOL FILES ABOUT DOL RECONSIDERING AFTER 2ND CIRCUIT DISMISSED + NOTHING IN THEIR FILES ABOUT A SETTLEMENT AGREEMENT
- ⑤ ALJ ANTHONY IACUBO (BOSTON) 617-223-9360

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

B.R. Lantz

SIGNATURE

DATE

6/14/92

ACTION TAKEN

SIGNATURE

DOL
INFO

E

50271-101

GPO : 1981 O - 361-526 (7227)

OPTIONAL FORM 271 (12-76)
DEPARTMENT OF DEFENSE

Release

CONVERSATION RECORD

TIME

9:50 AM

DATE

8/14/92

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☐ INCOMING

☒ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

(201) 492 -

446-9

SUBJECT

LISA HUSTON, OIC -
NES / GUNDERSEN FAX OF 8/13/92

SUMMARY

HUSTON WANTED TO KNOW IF I RECD. THE FAX FROM GUNDERSEN AND IF ANY IMMEDIATE PUBLIC HEALTH AND SAFETY ISSUES WERE REPRESENTED BY IT. I TOLD HER THAT IT'S ENTERED INTO THE ALLC. SYSTEMS AND WILL BE FILED. A MINIMUM READING OF THE DOCUMENT INDICATED NO PUBLIC HEALTH AND SAFETY ISSUE (FOR POT. FURTHER ACTION).

ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ERNE WILSON

[Signature]

8/14/92

ACTION TAKEN

SIGNATURE

TITLE

DATE

50271-101

GPO : 1981 O - 361-526 (78277)

CONVERSATION RECORD

OPTIONAL FORM 271 (12-76)
DEPARTMENT OF DEFENSE

Release

CONVERSATION RECORD

TIME 1:56 4 DATE 12/11/92 #192021

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

MARGARET GUNDERSEN

ORGANIZATION (Office, dept., bureau, etc.)

WIFE OF ARNOLD

TELEPHONE NO.

203
868-0424

SUBJECT

NES, INC.

ROUTING

NAME/SYMBOL

INT

SUMMARY

MRS. GUNDERSEN CALLED AND I IMMEDIATELY CALLED HER BACK AT NRC EXPENSE. SHE SAID SHE WANTED TO TALK ABOUT A COUPLE OF THINGS. SHE WANTED TO KNOW IF THEY WOULD HAVE OUR (OI'S) REPORT IN TIME FOR THEIR COURT TRIAL AGAINST NES. I RESPONDED THAT OI DOES NOT WORK FOR THEM, NES OR ANYBODY OTHER THAN NRC AND THAT I COULDN'T RESPOND ABOUT ANY INVESTIGATION OI MAY HAVE ONGOING. MRS. GUNDERSEN THEN SAID NRC HAS BEEN AWARE OF HER HUSBAND'S ISSUES FOR @900 DAYS AND THAT, "EVERYTHING HAS BEEN PROVEN CORRECT" (ISSUES RAISED BY ARNOLD). MRS. GUNDERSEN WENT ON TO SAY SHE IS FIGHTING FOR HER LIFE AND THE FAMILY'S WELL BEING, AND THAT SHE KNOWS BILL MOYERS (NATIONAL NEWS REPORTER) AND WILL BE TURNING OVER AN ENTIRE PACKAGE TO HIM SO THAT A. GUNDERSEN'S ISSUES AND HOW NRC DID NOT SUPPORT HIM WILL BE NATIONAL NEWS. SHE SAID THE FACT THAT NES WAS COZY WITH REGION III NRC PERSONNEL HAS BEEN PROVEN. SHE SAID SOMETHING ABOUT BILL CLINTON'S FILES BEING RESEARCHED BY THE U.S. STATE DEPT ACTION REQUIRED DISCUSS WITH FOD AND FILE IN CASE FOLDER. →

NAME OF PERSON DOCUMENTING CONVERSATION

ERNIE WILSON

SIGNATURE

[Signature]

DATE

12/11/92

ACTION TAKEN

SIGNATURE

TITLE

DATE

[Handwritten signature]

CONVERSATION RECORD

TIME 2:20 PM

DATE 2/5/93

TYPE

☐ VISIT☐ CONFERENCE☒ TELEPHONE☐ INCOMING☒ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

JUDITH MCFARREN

DOL, NEW HAVEN, CT 773-2249

SUBJECT

ARNOLD GUNDERSEN'S DOL COMPLAINT AND
DOL INTERVIEW OF NES PRESIDENT, W. MANION.

SUMMARY

MCFARREN ADVISED THAT SHE DID ALL INTERVIEWS OF NES, INC. EMPLOYEES AT THE NES BUILDING IN DANBURY, CT. SHE DID NOT, AS APPARENTLY ALLEGED BY MR. GUNDERSEN, SPEND AN ENTIRE DAY AT MR. MANION'S ESTATE INTERVIEWING HIM (SEE GUNDERSEN FAX OF 2/5/93, ATTACHED).

FURTHER, MCFARREN ADVISED THAT SHE WAS NEVER RESTRICTED BY THE NRC FROM INTERVIEWING CERTAIN INDIVIDUALS. MCFARREN STATED THAT SHE INTERVIEWED ALL THOSE INDIVIDUALS SHE NEEDS TO, WITHOUT INTERFERENCE FROM NRC, NES, OR ANYBODY ELSE.

ACTION REQUIRED

This is locked
up by [unclear]
[unclear]

"THERE IS ONE
DISCREPANCY AFTER ANOTHER
IN REGARD TO AG
STATEMENT"

WORD "LIAR"
NOT IN DOL
RECORD

FILE WITH CASE FOLDER

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ERNEST WILSON

Ernest Wilson

2/5/93

ACTION TAKEN

DISCUSSED WITH F.O.D. LETTS + FILED WITH CASE FOLDER

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME

4:40 M

DATE

2/23/93

TYPE

☐ VISIT☐ CONFERENCE☒ TELEPHONE☐ INCOMING☒ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

MARGARET GUNDERSEN

ORGANIZATION (Office, dept., bureau, etc.)

A GUNDERSEN'S WIFE

TELEPHONE NO.

203

354-2261

SUBJECT

A GUNDERSEN'S CASE AGAINST NES

SUMMARY

MRS GUNDERSEN STATED SUBSTANTIALLY AS FOLLOWS:

- 1) THEY ARE CHANGING LAWYERS FROM SIKORSKY (A LABOR LAWYER) TO ONE OF THE 5 TOP LITIGATORS IN THE STATE OF CT (NFI);
 - 2) THEY DON'T WANT TO GO TO COURT BUT APPARENTLY HAVE TO;
 - 3) SHE IS CONCERNED THAT THE FACT THAT THE GUNDERSEN'S TAPE RECORDED PEOPLE HAS BEEN LEAKED BECAUSE THEY RECEIVED A DISCOVERY REQUEST FOR TAPES (RECORDINGS);
 - 4) SHE DOESN'T WANT TAPES BACK AT THIS TIME SO THEY DON'T HAVE TO RESPOND TO DISCOVERY NOTICES OF PCC;
 - 5) SHE ACKNOWLEDGED THAT PCC KNEW SHE HAD A TAPE OF GREG KENNEY OF PCC BEFORE A. GUNDERSEN WAS LET GO ON 5/21/90. SHE CLAIMED THAT PCC, I. SIKORSKY, AND A. GUNDERSEN FORGOT ABOUT THE TAPES AND IT WASN'T UNTIL AFTER WILSON OF OI ACQUIRED THE TAPES A FEW MONTHS AGO, KENNEY TOLD HER THAT MARIANO WAS GOING TO BE LET GO AND ARMY WOULD BE PROSECUTED.
 - 6) SHE WILL FAX ME A LETTER SHE SENT TO L. NORTON OF OI 6/22/92.
- ACTION REQUIRED TO HOLD PCC. SZ WAS ABOUT THE PLYMOUTH, MASS MEETING.

FILE

NAME OF PERSON DOCUMENTING CONVERSATION

ERNEST P. WILSON

SIGNATURE

ALSO PRESENT WAS RICHARD J. WALSH

ACTION TAKEN

DATE

2/23/93

BRIEFED FOD AND FILED.

SIGNATURE

TITLE

DATE

Return

TYPE

☐ VISIT☒ CONFERENCE☐ TELEPHONE

ROUTING

☐ INCOMING☐ OUTGOING

NAME/SYMBOL INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

TIM MARTIN, RA
DICK COOPER, AIR-DECS

ORGANIZATION (Office, dept., bureau, etc.)

RT

TELEPHONE NO.

SUBJECT

N25/CONDENSED #1-92-021R

SUMMARY

BRIT. TM + DC ON PERM OF FINDINGS AND
 OF CLAIM TO UGC FOR VIOLATIONS OF SETTLEMENT AGREEMENT,
 CIVIL SUIT + HG CLAIMS OF 10 (R 307 b) + 100A 19 VIOLATIONS.

RAISED ISSUE OF AG'S CLAIMS OF 309 (b) FOR MARCH'S
 FAILURE TO NOTIFY '90 INSL RPT (ISSUED 10/90) IN ENGL.
 DISCUSSED KNOWN NEED TO NOTIFY ALL OF INFO
 HAVING SIGNIFICANT PUBLIC HEALTH + SAFETY CONCERNS.

TM ADVISED THAT THERE WAS / IS NOTHING RELATED TO ANY
 NRC INSPECTION FINDINGS / VIOLATIONS THAT HAVE / HAD
 ANY SIGNIFICANT PUBLIC HEALTH + SAFETY IMPLICATIONS; DC
 CONCLUDED WITH THE ASSESSMENT THAT THERE ARE
 NO SIGNIFICANT PUBLIC HEALTH + SAFETY ISSUES RELATED
 TO N25.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

B.R. LITTLE

SIGNATURE

B.R. Little

DATE

3/8/93

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME

3:00 PM

DATE

3/11/93

TYPE

☐ VISIT☐ CONFERENCE☒ TELEPHONE☐ INCOMING☐ OUTGOING

ROUTING

NAME/SYMBOL	INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

GREGORY B. KENNEY

ORGANIZATION (Office, dept., bureau, etc.)

GEN. CABLE CORP.

TELEPHONE NO.

(606)
572-8000

SUBJECT

NES, INC AND GUNDERSEN'S ALLEGATIONS

SUMMARY

KENNY REVIEWED HIS PERSONAL PHONE BILLS BUT COULD FIND NONE THAT SHOWED CALLS TO GUNDERSEN DURING THE MONTHS OF MARCH, APRIL OR MAY 1990. HE WOULD HAVE USED HIS CALLING CARD FROM PENN CENTRAL CORP (PCC) TO CHARGE CALLS FROM HIS RESIDENCE. KENNY DID LOCATE NOTES HE MADE ON HIS CALENDAR WHICH INDICATE VISITS MADE TO NES FOR DOWNSIZING DISCUSSIONS WITH BILL MANION. HE WILL FORWARD COPIES OF HIS CALENDAR ENTRIES FOR THE MONTHS OF 1/90, 2/90, 3/90, 4/90 + 5/90. KENNY SAID HIS 3/90 CALENDAR SHOWS AN ENTRY FOR 3/12/90 AT 8:45 AM WHEN HE MET WITH MANION. KENNY BELIEVES IT WAS THIS MEETING WHERE HE SUGGESTED TO MANION THAT GUNDERSEN BE INCLUDED IN THE UPCOMING LAY OFF, ALONG WITH SCHMIDT AND THE OTHER EMPLOYEES. IT WAS KENNY'S SUGGESTION/RECOMMENDATION THAT DIRECTLY LED TO GUNDERSEN BEING LAID OFF SINCE HAMILTON COULD TAKE OVER GUNDERSEN'S Position.

ACTION REQUIRED

DOCUMENT CONVERSATION FOR CASE FILE.

NAME OF PERSON DOCUMENTING CONVERSATION

ERNEST P. WILSON

SIGNATURE

Ernest P. Wilson

DATE

3/12/93

ACTION TAKEN

SIGNATURE

TITLE

DATE

50271-101

GPO : 1981 O - 361-526 (7227)

CONVERSATION RECORD

OPTIONAL FORM 271 (12-76)
DEPARTMENT OF DEFENSE

Release

RE: NES, DANBURY, CT.

CONVERSATION RECORD

TIME

11:30 AM

DATE

4/28/93

TYPE

☐ VISIT

☒ CONFERENCE

☐ TELEPHONE

☐ INCOMING

☐ OUTGOING

Location of Visit/Conference:

DWYER'S OFFICE, REGION I

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

JAMES P. DWYER

ORGANIZATION (Office, inst., bureau, etc.)

DRSS - NRC

TELEPHONE NO.

(215) 337-5309

SUBJECT

MANION'S TESTIMONY TO CI IN RE: PHONE CALLS MADE BETWEEN MANION AND DWYER.

ROUTING

NAME/SYMBOL

INT

SUMMARY

DWYER READ THE ATTACHED EXCERPT FROM MANION'S TESTIMONY TO CI ON 10/29/92. DWYER CONCURRED WITH MANION'S ACCOUNT OF THEIR PHONE CALL EXCHANGE REGARDING LICENSE USE BY NES. DWYER COMMENTED, "THIS IS EXACTLY THE WAY IT HAPPENED." DWYER ADDED THAT HIS INSPECTION BEGAN 1/9/92 AND MANION WAS NOT PRESENT WHEN HE WAS AT NES. DWYER CALLED MANION THE NEXT DAY AND THEY DISCUSSED THE A.D. LITTLE USE OF THE LICENSE. THE NRC DOCKET FILE ON A.D. LITTLE (NOT NES) CONTAINED THE NES NOTIFICATION TO THE NAC THAT THEY (NES) INTENDED TO INVOKE THEIR LICENSE. NRC HAD APPARENTLY MISFILED THE NES NOTIFICATION. DWYER SAID HE CLEARED UP THE ISSUE WITH THE PHONE CALLS TO/FROM MANION IN JANUARY 1992.

ACTION REQUIRED

DOCUMENT THIS CONFERENCE WITH DWYER AND MAKE A PART OF CASE FOLDER.

NAME OF PERSON DOCUMENTING CONVERSATION

ERNIE WILSON

SIGNATURE

Ernie Wilson

DATE

4/28/93

ACTION TAKEN

ATTACHED MANION TESTIMONY EXCERPT TO THIS RECORD.

SIGNATURE

TITLE

DATE

1 mislead Marlene Taylor and Glen Roberts as to licensed
2 activities knowing that the NRC had in their possession
3 documents that you had used the license?

4 A. Absolutely not. I have never mislead a regulatory
5 group in my life and never will.

6 BY MR. KENNA:

7 Q. Did you file those forms properly according to the
8 dates, the three days notice for the two times that you used
9 your license?

10 A. Yes, I believe one was about ten days and one was
11 -- well, they were three days plus in both cases. There was
12 ample time.

13 Q. So you complied completely with the regulations?

14 A. Yes, sir.

15 Q. So if the inspectors didn't know about those two
16 incidences it was due to maybe an administrative oversight
17 on their part by not finding them at NRC? ✓

18 A. Yes. During -- I don't know if this has come out,
19 but during the early part of this year, Mr. Dwyer who was
20 inspecting the -- one of the two inspectors in this marathon
21 inspection indicated -- called me, and I don't have a record
22 of this but I believe you can verify this with him, called
23 me and said gee, you never notified us when you used your
24 license. I said hey, that's not true. I said, I'll dig out
25 copies of the letters that we sent to you if you wish. He

ANN RILEY & ASSOCIATES, Ltd.

Court Reporters
1612 K. Street, N.W., Suite 300
Washington, D. C. 20006
(202) 293-3950

1 called back. I don't if it was the same day or very
2 quickly, probably the next day and said no, they found them.
3 He apparently -- they either weren't readily available or
4 had been misfiled or whatever. It was some glitch somewhere
5 along the line perhaps.

6 BY MR. WILSON:

7 Q. Again, when you got hold of this inspection report
8 you didn't feel it necessary to correct the scope of
9 activity section because as you understood it they were
10 there for the allegations and that you were addressing
11 licensed activities that do not occur at NES in Danbury?

12 A. That's right. That did not occur and never have
13 or would. That was the focus of my discussions with them.
14 I interpreted this document, although it had already been
15 gone over with me at the exit interview, but I interpreted
16 this document just to imply to that limited scope.

17 BY MR. KENNA:

18 Q. Let me address the April 20th memo from Mr.
19 Gunderson and Mr. Hamilton. It's the AG 216. It's dated
20 April 20, 1990, and it goes through a list of violations.

21 MR. WILSON: Alleged violations.

22 BY MR. KENNA:

23 Q. Alleged violations, I should point out. One of
24 which the first one is storing radioactive material in a
25 general accessed area accessible to untrained personnel

100-55851

Post-it Routing request pad 7864

ROUTING - REQUEST

PLEASE CLERK

PLEASE

☐ READ *2/25/90*

☐ HANDLE

☐ APPROVE *2/25/90*

and

☐ FORWARD

☐ RETURN *2/25/90*

☐ KEEP OR DISCARD

☐ REVIEW WITH ME *2/25/90*

Date *2/25/90*

GRANTED

To *US Circuit & Appeals*

2/25/90

9/4/90

ORDERS THAT APPEAL (G)

DISMISSED 12/1/90

From *FIA BY G 2/26/91*

INTERVIEW STATE + NINE KILLER

NOTHING
ASAT DOL
EXHIBIT
NOTHING ASAT
EXHIBIT

F/133

016 upm 719 L

Glen Roberts - OIG 1/22/92 trans. (not full trans.)

- Marion said NES had not performed any work under the license
M. Taylor confirmed.

P. 94
8/31/92
MARION
PRODUCED
FILE
P. 72
P. 75
Marion definitely said, not worked on license in "quite
some time" w/ exception of transport of
irradiator (Bergant transmitt - 8/31/92) PP. 56 + 72
we did submit that file on irradiator, & we had letter of notification to NRC

- Marion said "worked under auspices of license
P. 75 - license (Bergant - 8/31/92 transmitt) but letter of
lock on file w/ NRC"

- Marion agreed w/ Marlene Taylor that they
had worked on their license (P. 74 & 8/31/92
Bergant)

- "Not used license other than the time of
irradiator shipment (P. 88 & 8/31/92 transmitt)
9/21/92 at NRC to ship it."

- they [NES] had not worked under their
license during the time period when NRC
was present P. 17 of OIG trans.

CALIFORNIA
PRODUCED
P. 67/92

- From 3'2 looked new - no wear or edges (P. 13 of
trans. 1/22/92)

- NES did not work under their license, but on other property,
with basis on NES statement ^{in file} (P. 22 1/22/92 OIG trans)

NE had possession
of license

- Review letter from Marlene Taylor 3/27/90 regarding activity in not in opinion of Roberts
that license was stolen (P. 25 OIG 1/22/92 trans)

Glen Roberts

- We went to NES, based on info in file, "thinking that they had not worked under their license" (P. 24 026 1/24/8)
- Told Henderson, in place that "...all ^{of the} work conducted by NES had not been done under their license & therefore was not subject to an inspection." Henderson then trusted the work (P. 31 016 1/22/92)

8/31/92 interview of Glen Roberts (Jnd. Review Team - Bangart)

- Opinion that if Henderson had not been fired he would never have made an allegation (P. 33 8/31/92)
- I looked at docket before the inspection (P. 39 8/31/92)
- Inspection framed as health & safety concern (P. 42 ⁴³ 8/31/92)
- Marlene & Glen reviewed the NES file to confirm extent before leaving for NES (P. 49 8/31/92)
- ~~Marlene clearly stated~~
- NES claiming they are not working under their license (P. 67 ⁶⁸ 8/31/92) ~~stating that to do, if NES~~
- * - Scope of activities section of IR for 7/24/90 is a statement made in error (P. 92 of 8/31/92 Team write IR)

3/17/92 (T) To Andersen 11:15 AM

NV checked P.D.R. on NES docket all my correspondence to
Lic. Ref. Syllar. - (R. Kachuk) Nielsen in there.

NV

Nothing from NES in it, so
I can't see what she saying,
so I can't refute.

NAC request to Nielsen (11/12/91)
New York

Discord of Andersen - assumed heavy task.

Staff is looking into his concern + he
would be hearing from staff real
soon, possibly ^{within} today.

I got his fax of 3/16/92 - he won't to
confirm receipt

EPH

Release

12/1/92
①

Danbury
Hilton
and Towers

Wrote to Senator Feaburney -
(transcribed taper 3 tapers)

7:20 PM → 7:30 PM

MT 84 toward Hartford -
Exit # 7 (MT 7 North)
Left exit.

5-6 miles - out highway -
4 miles to New Milford (202)

N Milford (202) right over bridge
+ ramp / Dunkin' Doughnuts (left) -

202 N - left at Dunkin' (left hand)

10 miles N. on 202 - then left on
Route 45 (Jesse Warensky) - MT 45 into
Warren - left at Chapel - right on
above all.

18 Old Ridgebury Road, Danbury, CT 06810 Telephone 203-794-0600
Reservations 1-800-HILTONS

release

QUESTIONS FOR GUNDERSEN

- 1) WHY WAIT TIL NEXT DAY TO CALL RYAN.
- 2) WHY NOT TELL SECRETARY SO SHE COULD INFORM MANION.
- 3) WHY TAKE BROWNELL TO SAFE
- 4) WHY PICK UP WITH HANDS
- 5) DID HE PURPOSELY PUT DOWN #'S W/O DECIMAL POINT.
- 6) WAS LIGHT ON - WHY NOT.
- 7) WHO FOUND GARRON IN WRITTEN - WHY WAIT TIL NEXT DAY
- 8) EXPLAIN^{NEED} LAST SENTENCE, WHEN NO PREVIOUS PROBLEMS w/ MANION.
MANION VOLATILE TEMPER EXAMPLES
- 9) WHY, IF SO CONCERNED, DID YOU NOT REPORT TO NRC UNTIL
AFTER LAYOFF OCCURRED
- 10) WHY SEND YOU TO MAYFLOWER 4/20-5/2 IF DISCRIMINATING AGAINST YOU
- 11) YOU KNEW LARSON COME - WHY NOT TAKE ACTION TO REPLACE BACU THEN
- 12) YOU TOLD SEN. LIEBERMAN IN LETTER 11/26/91 THAT YOU WERE FIRED BECAUSE YOU
TOLD HES THEY DIDNT POST FIRM 3'S? (WHAT ABOUT RADIOACTIVE ISSUE)
- 13) RADIOACTIVE MATERIAL FOUND IN PARKING LOT? WHAT WAS ACTUALLY FOUND
- 14) RSO AND CHADMAN SHALL BE NOTIFIED ASAP (LETTER 8248001, P. 13, PART C)
- 15) ULTIMATE RESPONSIBILITY OF RSK PROBLEM LIES w/ MANION, PRO. - RUS
- 16) RSO ISSUE OF THEIR APPOINTING CALAHAN WHEN HE (A)
KNEW THAT IT WAS IN THE WORKS PREVIOUSLY, HOW KNEW I HAD AFTERWARD?
- 17) I THEN CONTACTED RSO (6/25/90 BRIEFING OF NAO) THEN = NEXT DAY?!
- 18) WHO 1ST USED WORD 'BACKSTABBER'
- 19) YOU SAID YOU LOOKED FOR LICENSE + COULDNT FIND? BUT, YOU MAILED
YOUR COPY TO REYNOLDS SHORTLY AFTER LARSON DEATH (P. 67 of CIOPPI DEPOSITION 3/11)
"I TOLD REYNOLDS I HAD NEVER SEEN THE LICENSE" (P. 69 of CIOPPI DEPOSITION)

Release

490
XTS
REMOVAL
FILED BY MANION

OPENED: 12/31/92

TITLE: H + I OF GUNDERSEN BY MANION 30.7
COMPLETENESS + ACCURACY OF INFO. BY LICENSEE 30.9
(LIED TO OR INTENTIONALLY MISLED NRC INSPECTORS)

INVESTIGATION: 37 INTERVIEWS TOTAL

27 INTERVIEWEES (9 NO LONGER W/NES - NO REM. TO NOT O. CAND)

c 100 EXHIBITS

RECORDS REVIEWED - DOL, OIG, NES + AG'S

TAPE RECORDINGS BY GUNDERSEN'S - 13 (2 SIDED) TRANSL. 10.

THE TERMINATION/LAY OFF: ULTIMATELY KENNY'S DECISION - PRE-MATE.
INCIDENT DURING WEEK 4/16-20 1990

DI CONCLUSION/THEORY: BASICALLY, NOTHING MORE THAN A
BASED ON EVID (TESTIMONY/RECORDS) DISGRUNTLED EMPLOYEE TRYING TO GET
BACK AT NES FOR LAYOFF.

✓ O HIS OVERT EFFORTS TO SUPPLANT MANION

✓ O ANTAGONISM THIS CREATED

O DIDN'T DO THE ROUTINE ADMIN. DUTIES REQUIRED OF HIM

✓ O "HE WASN'T AROUND"

✓ O TECH SERVICES SHOWN COULD WORK WELL W/O HIM

✓ O AG "JOINED" ABOUT SOURCE INCIDENT TO V.P. ON HOW

HE MISHANDLED SOURCE SITUATION WHICH WOULD LEAD TO FIRING

O AG DIDN'T WANT TO TELL HAMILTON ABOUT INCIDENT +

COMMENTS THAT POSSIBLE OUTCOME WOULD BE OUSTER OF

MANION AND HIM OR HAMILTON TO RUN CO.

✓ O IF SO "CONCERNED" ABOUT PUBLIC/HEALTH + SAFETY, WHY
DIDN'T HE TELL NRC RIGHT AWAY.

✓ O NO EVIDENCE OF "CHILLING EFFECT" WHATSOEVER

✓ O INDICATIONS THAT HE EMBELLISHED THE SOURCE SITUATION
TO MAKE MANION LOOK BAD AND TO PROTECT SELF VIA 30.7.

File

OI transcripts of tapes received from AG.

1)	Judi - OOI & Albert	7/10+11/90	1-25
2)	Albert, Judi - DOT & KPS	7/11, 13, 23/90	1-29
3)	Judi	7/6/90	1-23
4)	Judi	7/9/90	1-23
5)	John Bethenhausen	8/15/90	1-24
6)	Krohn/Rac	6/13+6	1-25
7)	Noel Dudley	6/14/90	1-22
8)	Lee Bethenhausen	10/15/90	1-22
9)	Judy Goldberg & L. Bethenhausen	10/30+29/90	1-28
10)	A. Deakyme/Crawford	—	1-27
11)	Gamie	—	1-28
12)	(Mrs. G.)	—	1-26
13)	A Ken Deakyme/Blackburn. Bellworth	5/24/90	1-25
14)	G Hamilton/K Deakyme	5/22/90	1-30
15)	G Kinney	—	1-26
16)	K. Deakyme	6/2/90	1-38
17)	K. Deakyme + G Roberts	8/3+7/90	1-26
18)	G Roberts	—	1-20

F Raspe 3/11/94

Dr
#1-92021

9/28/92
~1720

ARNIE CHODASEWICZ

ASKED IF BRING TAPE RECORDS - ANSWER NO

ADVISED MATTER UNDER OJ EVALUATION
BUT NOT PREPARED TO DETAIL WHAT OUR
EVALUATION PROCESS WILL / HAS ENTAILED

(19 PAGES)
REC'D IG-REPORT UNDER FOIA PROCESS; INDIVIDUAL NAME
NO SUPPORTING DOCUMENTATION BLACK OUT
HODLEY REQUEST TO NATION LATE JULY / REC'D LATE ~~SEP~~ ^{AUG}

AG HAS ABOUT 4 FEET OF DOCUMENTS HE WILL BE
HAPPY TO MAKE AVAILABLE TO US

Home (203) 868-9310
(203) 868-8424

TH 1/14/93
3/24/93

#1-92-021R

- ✓ - NRC/OIG in front AG, DD, TO
- ✓ - DOL/OIG on claims against DOL compliance officer
- ✓ - Request to NRC/OIG on NRC Restructuring DOL
- ✓ - Formal notification to con. off. on office on tapes

ALLEGATIONS:

- ① SAFE
- ② FIRED
- ③ LIED / IG let → BM Bullet

Peppers calls
to R. Rosko (OK)
6/10/93 via mail

2/4/93

0700 LV. RSM
0730 AM. KP RSM
0730 LV. " " w/ 7th SE
1030 AM. HQ / RSM

MTG w/ BW, RC, AG, PC

① 1-92-021R < DIRECTED TO HQ/MTG
SIGNIFICANT INTERVIEW & LEADS LIST &
CONDUCT & THE DECISIONS BE MADE TO GO
FORWARD; BW LEADS DRAFT FOR
IN 60 DAYS; RC/RM WILL COME TO RT
TO REVIEW; LEADS ALSO BEING
FORWARDED & 4 PM ON 01. RT FOR
ON 1/10/93 - BROWNE PROPOSED BE
DELIVERED

to
MAGISTRATE
307
307

Keep THIS
in front in
BLUE 1-92-021R FILE

T/B

3/24/93

100 Lr. KAP (Rt)
1330 AR. HQ

N 1430 MTG w/ JF (AN, RE, AG, EF) + EL
... REC 1-92-0212 STATUS INV. Pm
TIME DEDINES

3/5/93

~ 1700 on call / TM + DC RE: 1-92-021 R < TM
MORRIS (L. W.) HAS QUESTIONS ABOUT THE
INTERPRETATION OF NIS - ADVISED REUM JO
FINDINGS, REQUESTS CDC FOR ANALYSIS (30.2g/19.20);
RUBIN ISSUE OF AC CLAIM RE: 30.9 b W
D/OUTLINE CASE REPORTS TO ISSUE IN REPLY
TM SAW MORRIS REPLY TO IT IN EFFECT ON
92 INTERVIEW FINDINGS THAT WAS A SIGNIFICANT
IMPLICATION FOR PUBLIC HEALTH & SAFETY -
CDC ONCE UPON IN THAT ASSESSMENT

discriminate

Judith McFarren

~~203 579-5747/5748~~

- where were interviews conducted
- Were you restricted by NRE in any way
as to who you could interview
for Julia in Hartford (203) 773-2249 - New Haven

2/5/93

JUDITH McFARREN,
INVESTIGATOR
414 CHAPEL RD 201,
NEW HAVEN 06511

in 1100 - at all - J

Letter written
4/2/93

Mr. Charles C. MASTEN

Acting I G

U.S. Dept of Labor, Room 5-1303

200 Const Ave, N.W.

WASH DC 20210

(202) 219-7296

DOL REFERRAL
INFO.

IC - 1 TIME TRANS. - 1/22/92
BANKART - TRANS 8/31/92
PHONE CALLS -

NRC - 1/90 - 8/26/91
EMPLOYEE

FIELD NOTES OF INSPECTION

WHO DEALT W/AL FOR MOST PART? ✓

MTB W/AL AT NRC 6/90 ✓

DOL - DID YOU TELL ANYONE TO NOT TALK ✓

PERIOD OF INSPECTION - (FRY LAST PHYSICAL OR PHYSICAL INSURANCE ✓

"DURING PERIOD (8 MONTH) WHEN LARSON WORKED AND CALAHAN ASSIGNED,
NO WORK WAS DONE CONDUCTED UNDER LIC." ?? ✓

P. 10 PROBLEM, BUT IT HAD BEEN CORRECTED PP 12-13 ✓

P. 14 - BEFORE OR AFTER INSPEC. ✓

INSPECTION WAS EXPECTED ✓

P. 16 - HOW ABOUT IN ABSENCE OF LICENSED ACTIVITY? ✓

MARLENE CALLED NRC'S WHORE (P. 21) ✓

WHEN P. 24 BOTTOM ✓

P. 36 - TEAM, PLATE? ✓

IS USUAL FOCUS OF NRC INSPECTION FROM DATE OF LAST PHYSICAL INSPECTION
OR IS IT DIFF WHEN IT RESULTS DIRECTLY FROM ALLEGATIONS? ✓

8/31/92

BANKART INT. - P. 29 - AL CAME TO NRC ✓

P. 33 - AL WOULD NOT HAVE COMPLAINED - ONLY DUE TO FIRM ✓

P. 37 - AL NOT WELL VERSED ✓

P. 38 - I TOOK INITIAL PHONE CALL FROM AL. ✓

P. 40 - I BASICALLY OBSERVE ✓

P. 42 - WAS THERE ANY HEALTH & SAFETY CONCERNS! BASIC JOB ✓

CHILLING EFFECT

ALLEGATIONS WERE NOT SET TO PROVE THEM AS THEY - ✓

DID YOU ALREADY KNOW OF ACTUAL ^{ALREADY} CONDUCT
EXEMPT SOURCED IN ACTS TYPE! KNOWN BEFORE ✓

P. 50 - NOT TO BE A FULL BLOWN INSPECTION. ✓

REVIEWED FILE BEFORE TYPE.

P. 56 "ROUTINE INSPECTION" ✓

MANION "I KNOW WITH YOURS HERE ('SPECULY') - ✓

MIST-REITERATED "ROUTINE" ✓

ANY OBSTRUCTION BY MANION - ✓

MANION "NOT WORKED UNDER LICENSE 1-504C TYPE" - ✓

TRANS. OF IMAGINATION (DID MANION) ✓

P. 60 - WORKED UNDER AUSPICES OF THEIR CLIENTS LIC. MANION ✓

DOCUMENTS IN NRC FILED MANION - KNOWN ✓

P. 62 - CLEARLY NOT POSTMAN WHO "NO WORK UNDER LICENSE" ✓
NEVER, NOT ON CURRENT!

P. 70 / SO ISSUE. ✓

P. 72 - NO ONE US A FILE ON THE IRRAID STIP. - MANION PRODUCED ✓

P. 73 - WAS A LETTER IN FILE THAT THE NOTIFICATION - WHOSE FILE ✓

P. 77 - DID MANION DENY P. 70 ISSUE ✓ WRC DOWNS ✓

P. 84 FORM 3 DID MANION WRITE AFFIDAVIT A DIRECTOR ✓
ON NIT. ✓

P. 92 - IN STATEMENT MADE IN ERROR - MISTAKE. ✓

LETTER 5/10/89
ACTIVATED TO neo
LIC. (CHEN TIAN)

Release.

If the focus of
NRC is on AB
allegations or site-
ment & other context

✓

Release

Jim Dwyer
HP

"(THE LICENSEE HAS NOT PERFORMED
NOR HAS IT POSSESSED ANY
LICENSABLE RADIOACTIVE MATERIAL
UNDER THIS LICENSE. ALL
WORK IS CONDUCTED UNDER THE
AUTHORITY OF THE CLIENT'S LICENSE."

Release

OIG report 7/92

Glen Roberts - OIG 1/22/92 trans. (not full trans.)



- Marion said NES had not performed any work under the license
M-Taylor confirmed.

P. 94
8/8/92
MARION
produced
file
P. 72
75
Marion definitely said, not worked on license in "quite
some time." w/ exception of transport of
irradiator (Bought transit - 8/31/92) PP. 56 + 72
we did not get that file or information, if we had letter of notification to NRC

- Marion said "worked under supervision of clients
P. 75 - license (Bought - 8/31/92 transit) but letter of
docs on file w/ NRC"

- Marion agreed w/ Marlene Taylor that they
had worked on their license (P. 74 & 8/31/92
Bought)

- "Not used license other than the time of
irradiator shipment (P. 88 & 8/31/92 transit)
90000 lbs at NRC to ship out"

- They [NES] had not worked under their
license during the time period when W-250
was present P. 17 of OIG TRANS.

CALHAN
checked this
8/6/92

- Form 3's looked new - no wear on edges (P. 13 OIG
TRANS. 1/22/92)

- NES did not work under their license, but on their property,
was based on NES statements & letter in (P. 22 1/22/92 OIG TRANS.)

WE HAVE REVIEWED
+ PLANNED TO RE-DO

- Robert letter from Marion re: 3/27/90 license activity is not in opinion of Robert
Return to Marion that license was active (P. 25 OIG 1/22/92 TRANS.)

Glen Roberts

- We went to NES, based on info in file, "thinking that they had not worked under their license" (P. 24 OIG 1/22/92)
- Told Henderson my plan that "...^{of the} ~~all~~ work coordinated by NES had not been done under their license & therefore was not subject to an inspection." Henderson then twisted the words (P. 31 OIG 1/22/92)

8/31/92 interview of Glen Roberts (Ind. Review Team - Bangart)

- Opinion that if Henderson had not been fired he would never have made an allegation (P. 33 8/31/92)
- I looked at doctor before the inspection (P. 39 8/31/92)
- Inspection framed as health & safety concern (P. 42 ⁴³ 8/31/92)
- Marlene & Glen reviewed the NES file for certain extent before leaving for NES (P. 49 8/31/92)
- ~~Henderson clearly stated~~
- NES claiming they are not working under their license (P. 67 ⁶⁸ 8/31/92) ^{orthogonal to do, if not}
- * - Scope of activities section of IR for 7/24/90 is a statement made in error (P. 92 of 8/31/92 Team Taylor wrote IR)

Marlene Taylor - OIG Trans 1/22/92 (not the full transcript)

- Marion left saying, "I know why you are here" (7/24/92) (P. 5 OIG 1/22/92)

Taylor reviewed for file prior to 1990 inspection but didn't recall any box showing active license.

they refer to it as
- Was told by Marion "I know why you are here" - NES had it and license, but ~~not~~ ^{not} noted NES worked in Bill + under auspices of client's license. Marion said all work "currently" done under client's (P. 11 OIG 1/22/92)

→ Conclusion of no work was based primarily on Marion's statement that "all their work was being conducted under their client's license" (P. 14 OIG 1/23/92)

- John White (OIG Trans P. 33 1/23/92) said 7/90 report was principally focused at Danbury - Lic. gave authority for temporary sites, which included Danbury. Allegations focused on Danbury (P. 33)

- White - "we were under impression that NES was not engaged under the auspices of ^{the} Lic, in any license activities" (P. 20 OIG 4/14/92)

License Use

3/6/89 - A. D. LITTLE

SHIPMENT OF CO CO IRRADIATION TUCANA
NRC NOTIFIED IN PERSON + LETTER 2/10/89
LARSON PRESENT

8/89 - CHEMETRON - SUPPORT OF NEW BURGESS, OH PRO.
LARSON THERE FOR INITIATION OF PROJECT
(LETT 7/89 - 6/90)

3/90 - NES WAS SUPPOSED TO ^{BE} USE ITS LICENSE
(BUT DID NOT! ONLY BID ON PROJECT)

NAMED ASD WILL SERVE (CONDITION 11/P OF LICENSE)
LARSON CORE 7/89 - ~~6/9/90~~ - CALLAHAN APPROVES

#91-07

SIC DOCS & BLES 7/22/92

EX. 7

EX. 8

EX. 9

EX. 11 ^{WORK} Pgs. 29-34

EX. 15 CORR + SECTION 2.6 + 2.7 (2 pgs.)

EX. 16

EX. 18

EX. 17

M. TATLOR TRANSCRIPT CORR + Pgs. 5, 6 + 14

G. BOBBS " " + Pgs. 13, 16, 17, 20-22, 25, 26, 31, 32

J. WATC " (4/16/92) + Pgs 18-21

BFL
7/22/92

close

Sam Ireland - 16 off-
→ mention bringing about
special relationship.

203-258-2580

WORK WORK

OTHER RADIATING MATERIAL UNCONTAINED BESIDES
BULBET + SOURCES IN SAFE? No.

ANY OTHER SAFETY ISSUES, NOT INCLUDED IN LETTER? WILL
GET BACK TO ME ON 12/30/91.

1. ~~No other material~~ Unaware of no other
material brought back to the office. There is
a vault in basement of bldg. Material from
accounting safe brought to locked vault in
basement. Don't know how often vault in
basement was used. Q.

2. Found 3 NB notifications to PRC
Newburgh Ohio Harvard Avenue Site
Allegany International 1988
(PDR)

3. ASO left in September 1989 (leave of absence)
Johna Hopkin

December 1989 - present

ALBERT GUMPERSEN 12/27/91
9:15 am

whole
doc

Ex #7

7A BL

Notes:

For Lieberman 301-504-2741

- 1) Cippi letter dated 5/7/91 ✓
- 2) 5/13/91 ~~deposition~~ lawsuit
- 3) 9/6/91 deposition by Cippi
- 4) 11/10/92 deposition by Perley

FAX 311 504 3431

release

Le Th A2 to Hilton 4/5/93 4/13/93



WESTIN
HOTELS & RESORTS

9:40 AM Jim Freiberg

AL → Geller's memo -

BL = "OGC - not our jurisdiction"

if alleg is substantiated is it
a problem → term + bond -
Heldberg said "it might be"
(no case here)

Taylor is worried about

For reservations at any of our hotels worldwide call
1-800-228-3000

HO 005 6/86

Release

Nuclear Regulatory Commission

§ 19.11

impair the particular investigation, inspection or inquiry.

License means a license issued under the regulations in Parts 30 through 35, 39, 40, 60, 61, 70, or 72 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. **Licensee** means the holder of such a license.

Restricted area means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

Sequestration means the separation or isolation of witnesses and their attorneys from other witnesses and their attorneys during an interview conducted as part of an investigation, inspection, or other inquiry.

Worker means an individual engaged in activities licensed by the Commission and controlled by a licensee, but does not include the licensee.

138 FR 22217, Aug. 17, 1973, as amended at 40 FR 8783, Mar. 3, 1975; 53 FR 31680, Aug. 19, 1988; 55 FR 247, Jan. 4, 1990

§ 19.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter. Communications, reports, and applications may be delivered in person at the Commission's offices at 2120 L Street, NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

(53 FR 6138, Mar. 1, 1988, as amended at 53 FR 43420, Oct. 27, 1988)

§ 19.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150-0044.

(b) The approved information collection requirements contained in this part appear in § 19.13.

(49 FR 19624, May 9, 1984)

§ 19.11 Posting of notices to workers.

(a) Each licensee shall post current copies of the following documents:

(1) The regulations in this part and in Part 20 of this chapter;

(2) The license, license conditions, or documents incorporated into a license by reference, and amendments thereto;

(3) The operating procedures applicable to licensed activities;

(4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and any response from the licensee.

(b) If posting of a document specified in paragraph (a) (1), (2) or (3) of this section is not practicable, the licensee may post a notice which describes the document and states where it may be examined.

(c) Each licensee and applicant shall post Form NRC-3, (Revision 6-82 or later) "Notice to Employees," as required by Parts 30, 40, 50, 60, 70, 72, and 150 of this chapter.

NOTE: Copies of Form NRC-3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter.

(d) Documents, notices, or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in

licensed activities to observe them on the way to or from any particular licensed activity location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Commission documents posted pursuant to paragraph (a)(4) of this section shall be posted within 2 working days after receipt of the documents from the Commission; the licensee's response, if any, shall be posted within 2 working days after dispatch by the licensee. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

[38 FR 22217, Aug. 17, 1973, as amended at 40 FR 8783, Mar. 3, 1975, 47 FR 30454, July 14, 1982, 52 FR 31610, Aug. 21, 1987]

§ 19.12 Instructions to workers.

All individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials occurring in such areas; shall be instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation or to radioactive material; shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and shall be advised as to the radiation exposure reports which workers may request pursuant to § 19.13. The extent of these instructions shall be commensurate with po-

tential radiological health protection problems in the restricted area.

§ 19.13 Notifications and reports to individuals.

(a) Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Commission regulations, orders or license conditions, as shown in records maintained by the licensee pursuant to Commission regulations. Each notification and report shall be in writing, include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information, and contain the following statement:

This report is furnished to you under the provisions of the Nuclear Regulatory Commission regulation 10 CFR Part 19. You should preserve this report for further reference.

(b) At the request of any worker, each licensee shall advise such worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee pursuant to § 20.401(a) and (c).

(c) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. Such report shall be furnished within 30 days from the time the request is made, or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive materials licensed by the Commission; and shall include the dates and locations of licensed activities in which the worker participated during this period.

(d) When a licensee is required pursuant to § 20.405 or § 20.408 of this chapter to report to the Commission

Nuclear Regulatory Commission

§ 19.11

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§ 19.12

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(e) Commission documents posted pursuant to paragraph (a)(4) of this section shall be posted within 2 working days after receipt of the documents from the Commission; the licensee's response, if any, shall be posted within 2 working days after dispatch by the licensee. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

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10 CFR Ch. I (1-1-91 Edition)

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(d) When a licensee is required pursuant to § 20.405 or § 20.408 of this chapter to report to the Commission

Whistle-blower

Continued from Page 23

merit because his dismissal was part of a work force reduction.

In July 1990, Gundersen went to the U.S. Nuclear Regulatory Commission and outlined license violations committed by NES.

The commission investigated and found no violations.

He appealed the Department of Labor decision to the U.S. Court of Appeals for the Second Circuit, but with money running out, he reached an out-of-court settlement with NES, and its parent company, Penn Central Corp., in December 1991.

"We don't like to eliminate jobs. It's painful," said Michael L. Cioffi, staff vice president and assistant general counsel for Penn Central. "Our decision to pay Gundersen was to try and go the extra mile and avoid litigation expense."

That might have been the end of the story.

Gundersen had joined his wife's consulting business determined to pursue a career in nuclear consulting.

But in February 1991, state Rep. Raymond Joyce, D-New Britain, co-chairman of the Energy and Public Utilities Committee, invited Gundersen to testify before a hearing on a proposed Connecticut whistle-blower law.

Later that spring, NES filed a lawsuit against Gundersen alleging that he had breached the settlement agreement.

"He can testify all he wants before legislative committees," said Cioffi. "What we don't want him to do is to talk to NES customers saying he was fired because of safety concerns."

The lawsuit seeks \$500,000 in compensatory damages and \$1 mil-

lion in punitive damages.

In a May 7, 1991, letter, Cioffi wrote to Gundersen's attorney: "Be assured that all of the resources of the Penn Central Corp. will be at the disposal of NES in prosecuting its claims against Mr. Gundersen and in collecting from him what we expect to be a large judgment."

Gundersen's consulting work dried up.

"I had a headhunter tell me people are refusing to look at my resume as a result of this," Gundersen said. "A former member of the Nuclear Regulatory Commission told me: 'Whether it's right or wrong, we are dealing with a perception here. I'm not sure in the clients' eyes you're the kind of person they want on site helping their people.'"

Convinced the first NRC investigation was flawed, Gundersen persisted, and solicited the help of Sen. Joseph I. Lieberman.

Through the senator's efforts, the NRC's Inspector General looked at the commission's first investigation and concluded that Gundersen's allegations were not fully examined.

The senator also prompted the NRC to reopen its investigation of NES.

The second review found seven violations, including failure to have an approved radiation safety officer on board between Sept. 2, 1989 and June 9, 1990; failure of the radiation safety committee to meet quarterly and to review NES activities; and failure to transport hazardous material consistent with NRC procedures.

"They are wrong on a number of points and we have filed our rebuttal," said Manion. "I don't consider

the violations serious at all. Four of them have to do with paper work."

Even with events beginning to turn in his favor, Gundersen's troubles are far from over. His house is for sale, his savings are gone, he's seven months behind on his mortgage payments.

He is finishing up a small consulting assignment and doesn't know whether there will be any more work.

Gundersen has filed a libel and slander suit against Manion, NES and Penn Central, but he knows it may be years before it is resolved.

"My career is ruined. This has been such a travesty of justice I just can't let it continue. It deserves to be exposed," he said.

F/135

Artist paints NM
on the nightbeat

See Page 28



Opening
our eyes to
AIDS

See Pages 6-7



Whistle blower
urges feds to act

See Page 21

THE New Milford Times

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CENTS

THURSDAY,
SEPTEMBER 24, 1992

COVERING THE TOWNS OF NEW MILFORD • WASHINGTON • BRIDGEWATER • ROXBURY • SHERMAN AND WARREN

Warren whistle blower caught in nuclear power struggle

By Eileen FitzGerald
STAFF REPORTER

WARREN — A Warren nuclear engineer's future hangs in the balance as the federal Nuclear Regulatory Commission (NRC) decides what action it will take on safety code violations he had reported existed at his former place of employment.

The two-and-a-half-year-old saga has at stake the reputations of Nuclear Energy Systems (NES) of Danbury, found to have the violations; its former employee Arnold Gundersen, who reported them and is now blackballed from the industry; and the NRC, criticized by its own watchdog for the quality of the followthrough inspection.

Mr. Gundersen was an 11-year veteran and senior vice president of NES, which advises nuclear engineers throughout the country on reliability and safety issues, when he was terminated shortly after calling the safety code violations to the management's attention in the spring of 1990.

The 43-year-old father of two and husband of *New Milford Times* reporter Margaret Gundersen has filed a petition with the NRC to urge enforcement action and has civil

suits pending against NES for slander. His primary goal from the beginning, he said, was to strengthen the safety issues within the company.

"I would have been satisfied if they [NES] took the violations seriously and worked to correct them. I didn't go public until I was fired," Mr. Gundersen explained recently, adding that his career in the industry has virtually ended because he stepped forward in this case.

Throughout the ordeal, NES has maintained its innocence of the violations, while being critical of its former employee, and continues to deny any wrongdoing with regard to the inspection proceedings.

Mr. Gundersen said after he was terminated by NES, he asked the NRC to inspect the company for the violations.

The federal agency, which oversees the nuclear industry, found no violations in its first inspection in 1990, but this June a reinspection found the activities of the company "have not been conducted in full compliance of NRC requirements."

The violations determined by the NRC's inspection range from not having an on-site radiation safety inspector for about 10 months from 1989 to 1990 to incorrect procedures in shipping licensed hazardous material.

"I would have been satisfied if they [NES] took the violations seriously and worked to correct them. I didn't go public until I was fired."

— Arnold Gundersen

Adding teeth to Mr. Gundersen's position is a report from the Office of the Inspector General (IG) of the NRC, issued July 29, that found the initial inspection "did not adequately address Gundersen's allegations."

"Documents contained in the Region I docket file on NES contradicted the assurances made by the NES president (William Mannion) to NRC inspectors."

Mr. Mannion, when contacted Tuesday, denied that any statements made by the company to NRC officials might not be truthful.

He said he stood behind the first inspection report and was working to have agency officials reconsider the second one.

"We've been truthful every time [we've met with NRC officials]. We don't lie. It's not our nature," Mr. Mannion said in a telephone interview.

Leo Norton, assistant inspector general for investigations, explained that his office, which is the watchdog for the NRC, ordered a report on the case "because Gundersen said the NRC had done a bum job" in inspecting his charges against NES, which is a division of Penn Central Corporation.

Essentially that's what the IG inspectors found, Mr. Norton said Monday, adding that the NRC is responsible for responding to his office's report regarding the problems with the inspection.

Mr. Mannion said he does not believe the IG's office had enough information for an accurate report and that he did not know the IG inspectors "were ignorant" of letters that were on file with Region I.

"We put safety and reliability ahead of everything," he said, explaining that the company has been open to the NRC "all along."

The NRC has not yet determined how, or if, it would proceed with enforcement of the safety violations found at the headquarters, according to Joseph Fouchard, the director of public affairs for the NRC.

It has not yet determined how it will respond to the petition filed on Mr. Gundersen's behalf recently requesting the enforcement action either, he said.

Mr. Fouchard did say the NRC chief of staff will review and take action on the IG report of "alleged mishandling of the inspection."

He would not comment on the



Nuclear whistle blower:
Arnold Gundersen

the NRC four times before the reinspection was undertaken.

Mr. Gundersen's attorney, Igor Sikorsky, called the case a "real Alice in Wonderland area of litigation" and said the issues are very complicated.

Mr. Sikorsky said the most immediate action regarding the case that will affect his client is if the Department of Labor (DOL) agrees to reopen a hearing on the case.

Once Mr. Gundersen was terminated, he filed a complaint with the DOL as a nuclear whistle blower looking for protection from the law that provides for such protection for employees of nuclear facilities who feel they have been discriminated against for bringing a safety violation forward.

The DOL founded in favor of NES, but it was after the first NRC inspection when it had not yet uncovered the violations it later found.

Although Mr. Gundersen appealed the decision then, he ended up accepting a monetary settlement. Now he is looking for a new hearing in light of the new inspection results.

Mr. Sikorsky said the DOL has to determine whether or not it is too late to reopen the case and if "there is sufficient fraud on the part of the NES to justify setting aside the entire procedure and rehearing it."

Both parties have filed suits against each other that are pending in Danbury court, with NES/PCC suing Mr. Gundersen for \$1.5 million and Mr. Gundersen countering for \$27 million.

Reward offered for stolen puppy

SHERMAN — A reward is being offered for the safe return of a purebred black lhasa apso puppy named Shelby, who was stolen from her home Monday.

The dog's blue collar with red tags identify her and her vet, Aspetuck Animal Hospital in Washington.

Contact Rosemary at 748-8007 or the state trooper at 354-3715.

Classified PAGE 28

BUSINESS PLUS

Thursday
September 24, 1992
Page 23

Whistle-blower, nuclear services firm at odds

By Peter Buttress
THE NEWS-TIMES

Arnold Gundersen was a successful executive working for a company that provides engineering and technical services to the nuclear industry. Then, in spring 1990, he came across a safety problem and reported it to management.

A month later he was fired.

Gundersen considers himself a whistle-blower who's been persecuted for his trouble. His ex-employer says Gundersen is obsessed with the notion he was wrongfully treated and bent on ruining the company's reputation.

Gundersen, 43, was working as a senior vice president for Nuclear Energy Services of Danbury. He had earned bachelor of science

and master of engineering degrees from Rensselaer Polytechnic Institute in Troy, N.Y., and held a nuclear reactor operator's license.

He had worked for NES for 11 years and had been appointed to serve on a Connecticut low-level radioactive waste advisory committee. With a six-figure salary, Gundersen was happy in his job.

But in April 1990, an employee told Gundersen she had found five vials of radioactive material in a safe used for accounting records.

Gundersen verified the find, and immediately called for the radiation safety officer, a position required of NES by the Nuclear Regulatory Commission. He was told the employee had resigned from the company earlier that year and had not been replaced.

The president of NES, William J. Manion,

was out of town, so Gundersen called Robert M. Ryan, an associate professor and director of the Office of Radiation and Nuclear Safety at Rensselaer Polytechnic. Ryan was also a member of the NES radiation safety committee.

The material was found to contain low levels of radiation and the vials were put into a controlled area.

Manion and Gundersen agree that company storage procedures had not been followed — but Gundersen also believes employees were put at risk.

Manion and Ryan disagree.

The level of radiation was so low it would have caused no harm, they say. Manion emphatically denies any dangerous, high-level radiation material has ever been introduced into the Shelter Rock Road

When the NES president returned the next day, he was furious, Gundersen says, and called him a back-stabber for bringing in an outside contractor.

Manion agrees he was annoyed, but not because Ryan was called in. Gundersen didn't handle the incident well, or in a timely fashion, he says.

Gundersen is convinced he was dismissed a month later because he was a whistle-blower.

"Mr. Gundersen's termination of employment with NES was part of a general staff reduction that included two vice presidents. All those involved received full severance benefits," Manion said.

In June 1990, Gundersen filed a wrongful discharge suit with the U.S. Department of Labor. The agency found his charge without merit. See WHISTLE-BLOWER, Page 25



Arnold Gundersen
Claims he was wrongfully fired