

DCS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 31 1992

Docket No. 030-22060
(10 CFR 2.206)

Ernest C. Hadley, Esq.
414 Main Street
P.O. Box 3121
Wareham, MA 02571

Dear Mr. Hadley,

This is to acknowledge receipt of your letter dated August 14, 1992, to Chairman Selin requesting "prompt and decisive" enforcement action against Nuclear Energy Services (NES): (1) for procedural and license violations, (2) for harassment of Mr. Arnold Gundersen for identifying and disclosing those violations, and (3) for making material misstatements in connection with the NRC's inspection into these matters. In this connection, you request that the Commission immediately review the status of all pending investigations and the reasons for delay in imposing any enforcement actions against NES. Your letter also summarizes the relevant facts regarding these matters and notes findings by the Department of Labor with respect to the allegation of harassment of Mr. Gundersen.

As a basis for this request, you assert that Mr. Gundersen was terminated from his position as senior vice president with NES after asserting to his management that certain violations had occurred, including that NES had no Radiation Safety Officer, had not posted its license, and had not posted notices to inform employees of their rights. You further assert that when the Region I inspection report was submitted to NES which erroneously found that there was no merit to Mr. Gundersen's assertions, NES knew, or should have known, that the report contained material misstatements of fact and failed to notify the NRC of such misstatements in violation of 10 C.F.R. § 50.9.

The issues you have raised are being treated as a Petition and have been referred to me pursuant to 10 CFR § 2.206 of the Commission's regulations. As provided by Section 2.206, appropriate action will be taken on these issues within a reasonable time.

It would be helpful for our review, if you could provide me the relevant papers concerning the Court of Appeals action and any facts you might have on whether the decision of the Department of Labor Area Director was adjudicated and, if not, why not.

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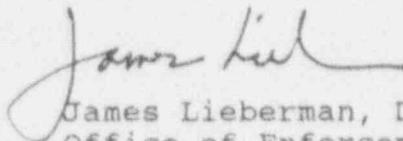
JEH

Mr. Ernest C. Hadley

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I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Lieberman".

James Lieberman, Director
Office of Enforcement

Enclosure: As Stated

cc: Nuclear Energy Services

AUG 31 1992

Mr. Ernest C. Hadley

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