

From: uid no body <nobody@nrc.gov>  
To: <foia@nrc.gov>  
Date: Tue, May 18, 2004 9:55 AM  
Subject: WWW Form Submission

FOIA/PA REQUEST  
Case No.: 2004-0251  
Date Rec'd: 05-18-04  
Specialist: Brown  
Related Case:

Below is the result of your feedback form. It was submitted by  
( ) on Tuesday, May 18, 2004 at 09:54:27

FirstName: [REDACTED]  
LastName: [REDACTED]

Company/Affiliation: Former NRC licensed Radiation Safety Officer for the State of Alaska, Department of Transportation and Public Facilities until I was forcible removed from my office and position by the licensee management team on January 23, 2004

Address1: [REDACTED]

Address2:

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

Country: [REDACTED]

Country-Other:

Email: [REDACTED]  
Phone: [REDACTED]

Desc: Three documents described in a letter submitted to Mr. Russel Wise, Senior Allegation Coordinator, NRC Office of Investigations, NRC Region IV, Arlington, Texas dated May 12, 2004.

FeeCategory: Personal\_Noncommercial

MediaType: Not applicable

FeeCategory\_Description: Not applicable

Expedite\_ImminentThreatText: Not applicable

Expedite\_UrgencyToInform: on

Expedite\_UrgencyToInformText: Required documents to submit a response to the Atomic Energy Licensing Board (See statement heretofore).

Waiver\_Purpose: These documents encompass compelling evidence required to submit a response to the

B2

following ALLEGATIONS:

1. RIV-2001-A-0171;
2. RIV-2002-A-0129;
2. RIV-2003-A-0057;
3. RIV-2003-A-0095, and
4. RIV-2004-A-0011.

I request expedited delivery of the documents stated in my May 12, 2004 letter to the NRC OI to be hopefully received by tomorrow at a minimum because these compelling evidence and explicit, relevant information required pursuant to my obligation to submit a response to the Atomic Energy Licensing Board on or before the close of business on Friday, May 23, 2004. And, any delay in this matter may in fact adversely affect my ability to submit a response before this Board.

Waiver\_ExtentToExtractAnalyze: See item No. 1.

Waiver\_SpecificActivityQuals: No applicable-response to RIV.

Waiver\_ImpactPublicUnderstanding: No applicable-response to RIV.

Waiver\_NatureOfPublic: No applicable-response to RIV.

Waiver\_MeansOfDissemination: No applicable-response to RIV.

Waiver\_FreeToPublicOrFee: No applicable-response to RIV.

Waiver\_PrivateCommericalInterest: No applicable-response to RIV.

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May 12, 2004

Mr. Russell Wise, Senior Allegation Coordinator  
Office of Investigations,  
U.S. Nuclear Regulatory Commission, Region IV  
611 Ryan Plaza Drive, Suite 400  
Arlington, Texas 76011-4005  
Facsimile: (817) 276-6525

NRC license: 50-14102-01.

Re: Request for copies of documents concerning ALLEGATION No. RIV-2004-A-0011, and copies of al RIV's.

Dear Mr. Wise:

I request copies of the following documents from Mr. Michael San Angelo and Qal-Tek Associates received by you and Mr. Mark L. Shaffer, Chief, Nuclear Materials Inspection Branch relevant to my concerns stated in ALLEGATION NO. RIV-2004-A-0011:

1. Licensee letter cited as written by me to Mr. Shaffer dated November 15, 2001.

U.S. Nuclear Regulatory Commission, Office of Investigations, document entitled, "Report of Investigation, Case No. 4-2002-001," dated March 21, 2002, where on page 67, "Review of documentation," cited the following entry:

"Letter from FARMER to Mark SHAFFER, NRC: RIV, dated November 15, 2001 (Exhibit 2)

This letter stated from [REDACTED] to Mark SHAFFER was a report of radiation exposure to [REDACTED]. The letter stated that Alaska DOT was not in compliance with 10 CFR 20.1201 if BARBER was considered a 'member (sic) of the public' and in compliance with 10 CFR 20.1201 if [REDACTED] was considered 'Occupational'."

Please forward a copy of this letter and any cited, referenced, or non-referenced attachments to this letter to me.

2. Qal-Tek Associates report prepared for the State of Alaska, Department of Transportation and Public Facilities, entitled, "Radiation Safety Program Audit - March 18-24, 2003" with explicit handwritten notes by Mr. Robert F. Lewis.

In my AFFIDAVIT dated August 15, 2003, Part III: page 343, I wrote the following statement based upon a telephonic discussion with Mr. Dale H. Snowden, C.H.P., President, Qal-Tek Associates, on May 7, 2003 where Mr. Snowden stated to me words to the effect that,

"I forwarded a report to Mr. San Angelo about two weeks ago for review and comment. Mr. San Angelo forwarded the report to Mr. Robert F.

Lewis, your supervisor. Mr. Lewis made many remarks in the report. I was surprised by his obviously [REDACTED] remarks about you. The other RSO's support your position—that's a positive step. I am going to forward this document to the NRC. They will in turn view Mr. Lewis's remarks. It is very clear to me, Mr. San Angelo, and I think the NRC, that there is a very clear picture emerging of what you have been through."

(emphasis added)

This was a "Draft" document prepared by Qal-Tek Associates, 101 Technology Drive, Idaho Falls, Idaho 83401, for the State of Alaska, Department of Transportation and Public Facilities.

Mr. Snowden submitted this document to Mr. Mark L. Shaffer, Chief Nuclear Materials Inspection Branch, NRC Region IV for review and comment on or about April 21, 2003. Mr. Snowden advised me that Mr. Shaffer telephonically called Mr. Snowden to discuss the contents of that stated document and asked, "Did in fact Mr. Lewis write the handwritten comments in this document?" In response, Mr. Snowden replied, yes.

3. Licensee 50-14102-01 NRC Form 313, APPLICATION FOR MATERIALS LICENSE dated January 23, 2004, and any and all relevant documentation cited therein or attached, including all relevant documentation concerning related and subsequent to this event.

The following documents were retrieved from the nrc.gov website, entitled, "Enforcement, Alaska Department of Transportation on April 30, 2004.

Please be advised that I request an explanation why numerous NRC Region IV documents since July 17, 2003 concerning violation of 10 CFR 30.7 were not forwarded to me nor in fact was I even listed as a "courtesy copy" recipient. Further, the few NRC documents where I was listed as a "courtesy copy" recipient have and are in fact being withheld from my possession by I suspect Mr. [REDACTED] (See attached email and Memorandum concerning this subject).

Please forward all documents to my work address marked, "CONFIDENTIAL."

In the documents I recently viewed in the NRC website, I noted the following:

- (a). Letter from Mr. San Angelo to Nuclear Materials Licensing Section, NRC Region IV dated January 20, 2004, with Mr. John McKenna, Deputy Commissioner, initial appearing at the upper left hand corner.
- (b). License document entitled, "APPLICATION FOR MATERIAL LICENSE, Amendment to License Number 50-14102-01," signed by Mr. Michael San Angelo, P.E., on January 26, 2004.

- (c). Email from Mr. San Angelo to Mr. Mark Shaffer dated 1/26/04 at 7:11 PM, stating:

"Here is the attached License Amendment for the State of Alaska. Please review the application, the original will be send(t) by mail tomorrow."

- (d) Email from Mark Shaffer to Colleen Murnahan, and Jack Whitten dated January 27, 2004 at 6:42 AM, stating:

"Attached is a license amendment request from the State of Alaska, Department of Transportation and Public Facilities."

The statements listed in (a) through (d) are confusing to me because pursuant to the provisions of NRC Form 313, APPLICATION FOR MATERIALS LICENSE, sub-section INSTRUCTIONS, states in part: "SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW."

I request an explanation concerning the following:

- a. When in fact did Mr. San Angelo submit "TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC..." I am concerned because the NRC website, entitled, "Enforcement, Alaska Department of Transportation," dated April 20, 2004 does not list the licensee 50-14102-01 "entire completed application."

Please forward a copy of Mr. San Angelo's "entire completed application" to me, and an explicit statement stating the date and time pursuant to the provisions of NRC Form 313, "two copies of the entire completed application were received by the NRC."

Concerning my request, please forward a copy of these documents to Billie P. Garde, Esq., and myself within ten (10) days following receipt of this letter. Both our addresses are listed hereinafter.

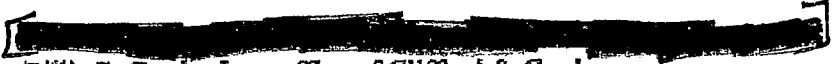
Please forward a copy of all ALLEGATIONS so I can respond to them promptly because I believe that my response this allegation shall encompass all concerns stated heretofore.

Should you have any questions, or comments in this matter, please contact me at

[REDACTED] because that would be [REDACTED]

I remain respectfully,  
[REDACTED]

Addresses:



Billie P. Garde, Law office of Clifford & Garde,  
1620 L Street, N.W., Suite 625, Washington, D.C., 20036

Cc:



Billie P. Garde, Esc.