



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

September 2, 1994

~~CONFIDENTIAL~~  
L. Jacobson *Jmf*  
G. Siler *GS*  
File Rm No. Dkt.  
(70-0036)

R

Mr. Gary Stout  
Occupational Safety and  
Health Administration  
911 Washington Avenue  
Room 420  
St. Louis, MO 63101

Dear Mr. Stout:

This is in response to a letter dated August 22, 1994 from Mr. Denver Holt, Area Director, to our office transmitting a notice of unsafe and/or unhealthful conditions at the Combustion Engineering Corporation (a Nuclear Regulatory Commission (NRC) licensee) in Hematite, Missouri. Your letter transferred this matter to us because your agency "has no jurisdiction over these types of workplaces". As discussed with Ms. Mae Grogg of your staff on September 2, 1994, the NRC believes that because the complaint involves concerns over employee training, employee protection, and work practices regarding the removal of asbestos that the matter is one of OSHA, not NRC jurisdiction.

According to the 1988 Memorandum of Understanding between the U.S. NRC and OSHA, both NRC and OSHA have jurisdiction over occupational safety and health at NRC-licensed facilities. OSHA generally covers plant conditions which result in an occupational risk, but do not affect the safety of licensed radioactive materials. We believe the complaint in question falls within this category of coverage. The NRC generally covers risk produced by or impacting upon radioactive materials.

As a result, I am returning the complaint referred by your letter. If I can be of any further assistance, or if you have any questions in this regard, please contact me at 708-829-9660.

Sincerely,

*Roland Lickus*

Roland Lickus, Chief,  
State and Government Affairs

Enclosure: As stated

cc w/encl:  
R. DeFayette, RIII  
G. France, RIII  
F. Combs, NMSS

L-95



MOD Date

1. Complaint Number **074180357**

2. Employer Name  
**Combustion Engineering Corporation**

3. Site Location (Street, City, State, ZIP)  
**3300 State Road P Homatite mo. 63047**

4. Mailing Address (if different) (Street, City, State, ZIP)

5. Management Official  
**Sig Zardjunksaus**

6. Telephone Number  
**937-4691**

7. Type of Business  
**Nuclear Fuel Processing Plant**

8. Hazard Description. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard:

- 1. Employees are removing asbestos from a barn without proper protective clothing and equipment. 2 Emp.
- 2. Employees have not been trained in 40hr course for asbestos removal. 2 Emp.
- 3. Employees are not bagging asbestos. 2 Emp.

9. Hazard Location. Specify the particular building or worksite where the alleged violation exists:  
**Barn farthest from parking lot going west.**