

The Honorable Deborah Pryce
Member, United States
House of Representatives
200 N. High Street
Columbus, Ohio 43215

January 5, 1995

70-8

Dear Congresswoman Pryce:

In my previous correspondence to you dated February 11, 1994, concerning correspondence from your constituent, Mr. Tim Wagner, who is representing the Battelle Permit Opposition Committee, we stated we would notify you of the results of our review of Mr. Wagner's concerns.

The enclosure to this letter contains our response to Mr. Wagner along with the "Director's Decision Under 10 C.F.R. 2.206." Mr. Wagner's concerns were processed under the provisions of 10 C.F.R. 2.206 regarding citizen requests for appropriate action by the Nuclear Regulatory Commission staff. As indicated in the "Director's Decision," our review substantiated minor violations with little health and safety significance, and we have taken enforcement and licensing action commensurate with our regulations. We have also taken steps to enhance NRC oversight of Battelle's licensed program.

I trust this reply satisfactorily responds to your concerns.

Sincerely,
Original signed by
James M. Taylor
James M. Taylor
Executive Director
for Operations

Enclosure:

1. Letter to Mr. Tim Wagner
2. Directors Decision DD-94-11

cc: See attached list

Distribution w/incoming EDO 009714

Docket 70-08

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*SEE PREVIOUS CONCURRENCE

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NAME	ETenEyck		RBurnett		GArlotto		RBernero		HTompson	JMTaylor		LT	
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List of cc's:

The Honorable John Glenn
United States Senator
200 N. High Street
Columbus, OH 43215

The Honorable Howard M. Metzenbaum
United States Senator
200 N. High Street
Columbus, OH 43215

The Honorable Mike Stinziano
Member, United States
House of Representatives
77 S. High Street, 13th Floor
Columbus, OH 43215

The Honorable Lee Fisher
Attorney General
30 E. Broad Street, 17th Floor
Columbus, OH 43215



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 14, 1994

Mr. Tim Wagner
Battelle Permit Opposition Committee
1066 North High Street
Columbus, Ohio 43201

Dear Mr. Wagner:

This letter is in response to your Petition on behalf of the Battelle Permit Opposition Committee dated December 28, 1993.

As stated in our previous letter dated March 17, 1994, we have treated your letter as a Petition and my staff has prepared a response pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. For the reasons stated in the enclosed "Director's Decision Under 10 C.F.R. § 2.206," the Petition has been granted.

A copy of the Decision will be filed with the Secretary of the Commission for its review in accordance with 10 C.F.R. § 2.206 of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time. As previously indicated to you, we are willing to meet with you or any other members of your group concerning these findings.

A copy of the Notice, which is being filed with the Office of the Federal Register for publication, is enclosed.

Sincerely,

A handwritten signature in dark ink, reading "Robert M. Bernero", is written over the typed name.

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Docket 70-08
(10 C.F.R. § 2.206)

Enclosures:

1. Directors Decision DD-94-11
2. Federal Register Notice

cc: Battelle Memorial Institute
Columbus Operations

44-2230194-10

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
Robert M. Bernero, Director

In the Matter of)	
)	
BATTELLE MEMORIAL INSTITUTE)	Docket No. 70-08
COLUMBUS OPERATIONS)	
(Columbus, Ohio))	(10 C.F.R. § 2.206)

DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

I. INTRODUCTION

On December 28, 1993, the Battelle Permit Opposition Committee (BPOC) filed a Petition for an investigation¹ of certain audit findings involving Battelle Memorial Institute (BMI) and for enforcement action, as appropriate. The referenced audit findings are the product of an independent audit commissioned by BMI and performed by ATEC Associates, Inc. The Petition states that BMI appears to be a facility out of control in its handling of radioactive material, a potential threat exists to the neighborhood through BMI's operations, and the level of Nuclear Regulatory Commission (NRC) oversight of BMI activities is of concern.

By letter dated March 17, 1994, the NRC acknowledged receipt of the request for an investigation and appropriate enforcement action, and informed the requester that the letter would be treated as a Petition in accordance with the provisions of 10 C.F.R. 2.206 of the Commission's regulations and that a decision would be issued within a reasonable time.

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¹The NRC interprets "investigation" in this context to mean a review through inspection as opposed to assessing potential wrongdoing.

I have now completed my evaluation of the matters raised by the Petitioner and have determined that, for the reasons stated in this Decision, the Petitioner's request for an inspection and appropriate enforcement action for the deficiencies identified by the audit is granted.

II. BACKGROUND

In July 1992, BMI hired ATEC Associates, Inc., a contractor, to conduct an independent safety inspection or safety audit of BMI's radiation protection program. This audit focused on BMI's research and development program. The audit was self-initiated and was designed to be critical in nature. The audit evaluated the radiation protection program against NRC, Department of Energy (DOE), and Occupational Safety and Health Administration (OSHA) requirements, as well as other good control practices. Approximately 240 person-hours were devoted by the contractor in performing this audit. The audit identified 201 deficiencies or weaknesses in the program. The results were provided to the BPOC.

III. DISCUSSION

In the Petition, the Petitioner requests the Commission to "investigate"¹ the findings of the audit and to take appropriate enforcement action to assure that the BMI's facility is operated in compliance with applicable requirements. In response, during the period January 31 through March 25, 1994, a special safety team inspection was conducted at the BMI's

King Avenue, Columbus, Ohio, and West Jefferson, Ohio, facilities. Included in the inspection was a review of the three concerns cited by the BPOC in the Petition, as described below.

A. Control in Handling of Radioactive Material

The Petitioner states that BMI appears to be a facility out of control in its handling of radioactive material.

NRC Special Nuclear Materials License SNM-7 allows BMI to receive, possess, use, and transfer certain radioactive materials in the conduct of research and development, radiography, and decommissioning activities.

Compliance with license-required actions to control handling of radioactive material has been confirmed by NRC inspectors during safety inspections. This confirmation was achieved through direct observation of ongoing activities, interviews with licensee staff, and examination of licensee records. Specific areas examined included handling and storage of radioactive materials, disposition of waste and maintenance of records in support of licensed activities. In one area of research, BMI used animals for various studies on the effects of radioactive materials. NRC reviewed the disposition of the radioactive carcasses of these animals through incineration as general waste. Research records were reviewed (typically on a random spot check basis) and calculations performed to confirm that the radiation levels of the carcasses were below NRC limits and were, therefore, acceptable for

incineration as general waste. Confirmation was achieved. With regard to the accuracy of measurements of radioactive materials handled by BMI, a review of the data recorded on the licensee's liquid scintillation verification form (used to verify that general waste met 10 CFR 20.2005 levels for radioactive materials in unrestricted areas) indicated that the licensee is meeting NRC requirements. (Results of these inspections were documented in Inspection Reports, including that described in special safety Inspection Report 070-00008/94001(DRSS) dated April 26, 1994.) Regarding storage, inspection tours of the King Avenue site (located in Columbus, Ohio) and West Jefferson, Ohio, site, confirmed that radioactive and hazardous materials were stored adequately.

BMI is also decontaminating and decommissioning (D & D) a series of buildings at the West Jefferson, Ohio, and King Avenue sites. The D & D activities began in 1986 and are scheduled to continue through the year 2000. The facilities undergoing D & D were toured by NRC inspectors, facility workers were interviewed, procedures were reviewed, and several radiological surveys were conducted by the inspectors. The NRC has concluded that the D & D work is being conducted in accordance with BMI's NRC license and applicable NRC regulations.

The July 1992, ATEC audit of BMI's program did identify four potential violations of NRC requirements. The violations were reviewed by NRC during the special inspection, and it was determined by the inspectors that these potential violations met the criteria for non-cited violations (as provided in

10 CFR Part 2, Appendix C) in accordance with the Commission's Enforcement Policy. Specifically, 1) they were corrected in a reasonable time, 2) were not repetitive violations, 3) were not willful violations, 4) were identified by the licensee, 5) were not violations that could reasonably be expected to have been prevented by the licensee's corrective action from a previous violation or licensing finding, and 6) were of such a nature that they would normally have been classified at Severity Level IV or V, which are the least significant severity levels. The violations were related to minor reporting, recordkeeping, and posting deficiencies that are not indicative of significant programmatic weaknesses. Consequently, NRC exercised discretion and considered these as non-cited violations. During the special inspection conducted during the period of January 31 through March 24, 1994, the NRC identified an additional Severity Level IV violation which involved a failure to properly secure or maintain surveillance over a radioactive source. This violation was in addition to those identified by the auditor. As a result of this additional finding, a Severity Level IV Notice of Violation was issued on April 26, 1994, to BMI. A Severity Level IV violation is of relatively minor significance, but a potential exists for an adverse impact on health and safety. BMI responded with appropriate corrective actions as described in correspondence dated May 24, 1994.

The staff has concluded on the basis of the NRC's inspection and evaluation of BMI's radiological control program and ongoing D & D activities, that the licensee has implemented and is maintaining a radioactive materials handling program and radioactive waste management program that is adequate to protect

the radiological safety of employees and the public. Although the ATEC audit reported 201 deficiencies and weaknesses, the NRC found that only a few were of regulatory significance, and the NRC took appropriate action, including enforcement action for the repetitive violation for failure to secure a laboratory. In order to identify deficiencies and correct them in a timely manner in the future, the staff supports licensees' efforts to aggressively perform self assessments such as the ATEC audit.

B. Threat to the Neighborhoods

The Petitioner states that a potential threat exists to the neighborhoods through BMI's operations.

As stated earlier, BMI uses radioactive materials in the conduct of research and development, radiography, tracer studies, and conducts decommissioning activities. The research and development activities include the use of small amounts of radioactive materials for tracer studies and the use of gas chromatographs which contain small amounts of radioactive materials. The radiography activities include the use of two sealed radioactive sources. An additional sealed source is possessed but is kept in storage for future use.

The decommissioning activities are a result of research work conducted as far back as the 1940's. BMI was contracted to perform research activities

regarding the use of nuclear fuel and other nuclear materials. During the conduct of these research activities, small amounts of nuclear materials were unintentionally deposited on floors, walls, machines, and other items involved in the research. BMI is currently in the process of performing D & D on the equipment, work areas, and other items. This extensive effort is expected to be ongoing for several years.

With approval from the NRC and the DOE, BMI has developed and implemented procedures to safely D & D these items. The D & D activities are routinely inspected (average of once per year) by the NRC and DOE (through the DOE resident inspector) to ensure the safety of employees and the public. The inspections have shown that BMI is performing the D & D activities in accordance with its license.

Environmental monitors are located on the fence line of the BMI boundaries at the King Avenue site and the West Jefferson site. Results of BMI's air monitoring, ground water sampling, sediment sampling, and vegetation analysis indicate that they are well within NRC regulations in 10 CFR Part 20 for release of radioactive materials. As such, the NRC has determined that the effluent releases pose no threat to the neighborhoods and are within NRC requirements.

Based on NRC's evaluation of the radiological safety and environmental monitoring requirements in BMI's license and confirmation of BMI's compliance with those requirements through routine and special inspections, NRC staff

concludes that BMI's radiological program is adequate to protect the radiological safety of employees and the public and is being conducted in accordance with applicable requirements.

C. NRC Oversight

The Petitioner states that because BMI has stated that it passed NRC inspections, the audit findings raise a concern over the level of oversight that BMI is receiving from the NRC. From the Petitioner's point of view, the large number of BMI audit findings calls into question the effectiveness of the NRC inspections.

NRC inspections at BMI over the past seven years have focused primarily on activities related to nuclear fuel-related issues and decommissioning activities, areas which were considered to be of the greatest health and safety significance. Twelve inspections were conducted at BMI from May 1986 until July 1993. These inspections identified two violations and two areas of concern² which were of minor health and safety significance. The items

²May 12 through 16, 1986 One violation, no concerns:

One violation: 10 CFR 71.5(a), 49 CFR 173.441(b)(1) - greater than 200 mR/hr on outside of flatbed hauling radwaste to Barnwell. State of South Carolina identified the readings and the readings were corrected by BMI. NRC issued a NOV on June 12, 1986, after readings were identified by South Carolina and corrected by Battelle; therefore, no response to NOV was required because it was of minor health and safety significance and was immediately corrected once identified.

identified were evaluated and corrected in a timely manner. Two recent inspections, July and November 1993, identified no violations of NRC requirements.

During this seven year period, a limited review was performed by the NRC of the other research and development activities and the radiography program. These reviews included evaluations of data derived from records related to environmental monitoring, personnel exposures, environmental protection, waste management, the use of radioactive materials in field studies, and tracer studies. These reviews identified no additional problems.

The special inspection performed at BMI during the period January 31 through March 25, 1994, did not identify any violations of major safety significance in any of BMI's licensed activities covered by the ATEC audit.

January 12 through 16, 1987 One violation, no concerns:

One violation: A retired reactor facility 10 CFR 50.10(a) license expired without a timely renewal. NRC determined that this was an administrative issue and of minor health and safety concern. A NOV was issued February 10, 1987. The renewal was submitted subsequently.

October 23 through 25, 1991 No violations, two concerns:

First concern: The bioassay data reviewed by the NRC revealed that two individuals had positive uptakes of U-238. BMI showed that these levels were below the 10 CFR Part 20 limits; therefore, no further action taken.

Second concern: An exit monitor was removed from a building being decontaminated. BMI replaced the monitor with friskers for personnel to use before leaving building. A portal monitor was then put in place for personnel to walk through prior to leaving the building. NRC determined that no further correspondence was necessary due to this corrective action.

However, the special inspection made an additional finding of one potential violation due to failure to secure a laboratory that was a violation similar to one identified in the ATEC audit findings, and which was also of minimal safety significance. A Severity Level IV Notice of Violation was issued for this violation on April 26, 1994, as previously mentioned.

The special inspection identified one concern, namely, that the structure of BMI's license led to the emphasis by NRC on nuclear fuel-related and decommissioning activities. NRC has decided that more in-depth review and inspection of BMI's research and development activities and radiography program are appropriate, thus increasing the NRC oversight of this licensee. To effectively address these issues it was determined that responsibility for BMI's license should be transferred from NRC Headquarters to the Region III Office, and the license should be divided into three separate licenses, each addressing specific license areas. This decision was made when NRC staff concluded that previous inspections had been too sharply focussed on the nuclear fuel-related and decommissioning activities. Moving licensing responsibility to the Region III Office increased and diversified NRC inspection activities at the site. Responsibility was transferred on March 18, 1994.

With regard to the implications of previous oversight of BMI's licensed program, the NRC evaluated all 201 of the audit findings and determined that, as of the date of the special inspection (January 31 - March 25, 1994), BMI adequately addressed all 201 of the ATEC audit findings and adequately

resolved all but two of them as discussed in the following paragraphs. The BMI staff, during their review of the ATEC audit findings, found that two of the audit findings had broader implications that required further investigation. Specifically, these involved failure to secure a laboratory and accounting of radioactive sources.

NRC's review of the ATEC audit documentation determined that the description of the audit findings was vague, thus making it difficult to determine if some findings were related to NRC regulations or license conditions. As a result, the NRC took a conservative approach to these findings, and any finding that could be remotely related to NRC regulations or license conditions was considered a potential violation. These potential violations identified from the ATEC audit findings were then grouped into six categories to facilitate a determination of whether there were any violations of NRC requirements. The potential violations are as follows:

- (A) Failure to inform the NRC on a timely basis of a Radiation Safety Officer (RSO) change;
- (B) Failure to provide training to personnel;
- (C) Failure to calibrate a survey instrument at the proper frequency;
- (D) Failure to secure laboratories which contained radioactive materials;
- (E) Failure to utilize the proper radiation postings; and
- (F) Failure to account for radioactive sources.

At the time of the special inspection, which was initiated on January 31, 1994, Items D and F remained unresolved. Items A, B, C, and E are

addressed below. In regards to Item D, the inspection determined that the failure to secure laboratories containing radioactive material had been corrected for those laboratories identified in the audit. However, during the special inspection another separate laboratory, not identified in the ATEC audit findings, was identified which was not properly secured in accordance with 10 CFR 20.1801 (see discussion above). This matter is discussed in Inspection Report 070-00008/94001(DRSS) dated April 26, 1994.

Item F, the inability to account for several sources, was reviewed in detail with the licensee. The BMI personnel contend that the sources were either properly disposed of as radioactive waste, transferred to an authorized recipient, or remain in storage in the hot cells awaiting decommissioning. Through the efforts of both the BMI personnel and the NRC, information was gathered demonstrating that this appears to be a recordkeeping issue. The information accumulated was based on NRC review of BMI documents and interviews with BMI personnel and other NRC licensees working in conjunction with BMI in the conduct of research activities. Based on our review, NRC is confident that the sources are not in the public domain or in an unrestricted area of the facility. The NRC will continue to monitor this issue during future inspections.

The remaining potential violations (Items A, B, C, and E) are being treated as non-cited violations and are detailed in the indicated sections of Inspection Report 070-00008/94001(DRSS) dated April 26, 1994, as discussed below:

- Item A Failure to inform the NRC on a timely basis of an RSO change (Section 3);

The licensee changed the RSO without prior notification to or approval by the NRC, although an amendment request was submitted at a later date and approved. The finding was considered to be of an administrative nature, an isolated violation, was identified by BMI, was not a violation that could reasonably be expected to have been prevented by the licensee's corrective actions by a previous violation or licensee finding that occurred within the past two years of the inspection at issue, or the period within the last two inspections; was corrected in a reasonable time, and was not a willful violation. Accordingly, the NRC exercised discretion, and the finding was considered to be a non-cited violation.

- Item B Failure to provide training to personnel (Section 7);

The licensee identified that training was not being provided to personnel based upon the ATEC audit. That audit further identified the training issue was a recordkeeping problem. For example, training was provided, but records were not kept adequately. At least 30 BMI employees interviewed indicated that they were provided initial radiation safety training but, through administrative error, the training was not properly recorded in the BMI records. The finding was considered to be of minor health and safety

significance, was corrected in a reasonable time, was not a violation that could reasonably be expected to have been prevented by the licensee's corrective action for a previous violation or licensee finding that occurred within the past two years of the inspection at issue, or the period within the last two inspections; and was not a willful violation. Accordingly, the NRC exercised discretion and the finding was considered to be a non-cited violation.

Item C Failure to calibrate a survey instrument at the proper frequency (Section 9);

The BMI ATEC audit identified that one survey instrument out of approximately 50 possessed by BMI had not been calibrated for approximately one year. The licensee inventoried all survey instruments and initiated tracking of their calibration dates. The NRC reviewed and confirmed the licensee inventory. The finding was considered to be of an administrative nature, was not a violation that could reasonably be expected to have been prevented by the licensee's corrective action for a previous violation or licensee finding that occurred within the past two years of the inspection at issue, or the period within the last two inspections; was corrected in a reasonable time, and was not a willful violation. Accordingly, the NRC exercised discretion, and the finding was considered to be a non-cited violation.

Item E Failure to utilize the proper radiation postings (Section 16).

The ATEC audit identified a number of potential NRC-related posting deficiencies. Based upon that audit finding the license took an aggressive approach to post areas where required. NRC verified that the posting deficiencies were corrected. The finding was considered to be of minor health and safety significance, was corrected in a reasonable time, was not a violation that could reasonably be expected to have been prevented by the licensee's corrective action for a previous violation or licensee finding within the past two years of the inspection at issue, or the period within the last two inspections; and was not a willful violation. Accordingly, the NRC exercised discretion, and the finding was considered to be a non-cited violation.

Remaining audit findings

The remaining audit findings were related to Battelle's research and development safety program. These findings involved questionable laboratory practices and portions of the radiation safety program where OSHA, not NRC, requirements applied. The NRC referred the findings concerning questionable laboratory practices and relevant radiation safety issues to OSHA for resolution. The ATEC auditor, in some cases, also did not have additional relevant information that would have mitigated some audit findings. BMI identified corrective actions for the audit findings by conducting reviews of the laboratory facilities; interviews with BMI employees; and a review of

records and documents that were associated with the general health and safety of BMI employees and the public.

A copy of NRC Inspection Report 070-00008/94001(ORSS) dated April 26, 1994, was provided to the Petitioner on June 7, 1994. There will be no further action regarding this matter, since the NRC considers the concerns resolved. Future NRC inspections will be directed to specific program areas, consistent with the restructured license, to focus inspections by the type of nuclear material and activity involved, i.e., special nuclear material, byproduct material, and broad scope license activities such as radiography and tracer studies. NRC will continue to support efforts by licensees, including BMI, to implement effective self assessments and implement timely corrective actions when deficiencies and weaknesses are identified.

The Petitioner's concern regarding NRC oversight was substantiated. As described above, action has been taken to enhance NRC oversight of BMI's licensed program.

IV. CONCLUSION

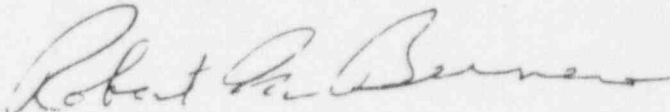
The Staff has carefully considered the request of the Petitioner. In addition, the Staff has evaluated the bases for the Petitioner's request. For the reasons discussed above, I conclude that the Petitioner has raised valid issues related to BMI's compliance with NRC requirements and the NRC's licensing and oversight of the BMI facility. Accordingly, the Petitioner's

request for an investigation and enforcement action pursuant to 10 C.F.R. § 2.206 is granted as described in this Decision, and appropriate enforcement and other actions for the ATEC audit related deficiencies have been taken as described above. In addition, as described above, appropriate action has been taken by the NRC staff to address the NRC's oversight of BMI's licensed activities.

As provided by 10 C.F.R. § 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. The Decision will become the final action of the Commission twenty-five (25) days after issuance unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland this 14th day of December 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Enclosure:
NRC Inspection Report
070-00008/94001(DRSS)

U.S. NUCLEAR REGULATORY COMMISSION

DOCKET 70-08

BATTELLE MEMORIAL INSTITUTE

COLUMBUS OPERATIONS

COLUMBUS, OHIO

ISSUANCE OF DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, has issued a decision concerning a Petition dated December 28, 1993, submitted by the Battelle Permit Opposition Committee regarding the Battelle Memorial Institute (BMI), Columbus, Ohio facility.

The NRC Office of Nuclear Material Safety and Safeguards noticed the Petition for consideration under 10 C.F.R. § 2.206. The Petition requested that the U.S. Nuclear Regulatory Commission investigate the findings of a July 1992, audit of decontamination and decommissioning at BMI and to take appropriate enforcement action.

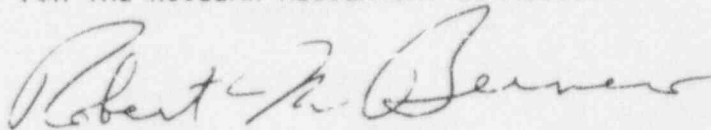
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The Director of the Office of Nuclear Material Safety and Safeguards has determined to grant the Petition. The reasons for this Decision are explained in the "Director's Decision Under 10 C.F.R. § 2.206" (DD-94-11), which is available for public inspection in the Commission's Public Document Room located at 2120 L Street, NW, Washington, DC 20555.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 C.F.R. 2.206. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 14th day of December 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "Robert M. Bernero", is written over a horizontal line.

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Congress
of the
United States
House of Representatives

January 18, 1994

DEBORAH PRYCE
OHIO
15th DISTRICT



Mr. Dennis K. Rathbun
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Rathbun:

I have enclosed for your review, a copy of correspondence received from a constituent, Tim Wagner, a representative for the Battelle Permit Opposition Committee.

I understand the original of this text was sent to the U.S. Nuclear Regulatory Commission's Regional Office in Glen Ellyn, Illinois, as was a copy of an internal audit conducted by the Battelle Memorial Institute's King Avenue facility in July, 1992. I was not provided a copy of this audit by Mr. Wagner.

Since Mr. Wagner's grievance is self-explanatory, I will not elaborate except to note that he has expressed concern regarding what he perceives to be deficiencies in Battelle's Health and Safety plan, as well as deficiencies in radioactive waste handling procedures, based upon information he indicates was provided in the above-mentioned audit.

I would greatly appreciate your review of this audit as requested by Mr. Wagner, to ensure that the Battelle facility is operating in compliance with all federal requirements as to the proper handling of radioactive materials. In addition, I look forward to hearing from you regarding your findings concerning this matter.

Correspondence in response to this inquiry may be directed to my district office in Columbus, Ohio. Thank you for your assistance.

Very truly yours,

DEBORAH PRYCE
Member of Congress

DP:mm

Enclosure

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Battelle Permit Opposition Committee
1066 North High Street
Columbus, OH 43201

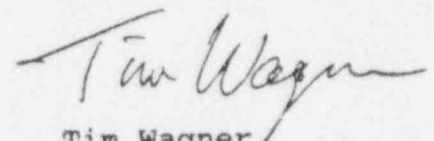
December 28, 1993

Congresswoman Deborah Pryce
200 N. High Street
Columbus, OH 43215

Dear Congresswoman Pryce:

Enclosed please find copies of letters to the Nuclear Regulatory Commission and Occupational Safety and Health Administration. As you can see, Battelle Memorial Institute has placed the health and safety of our citizens at risk. We would appreciate your active support to insure that these investigations are thorough, objective and timely.

Sincerely,


Tim Wagner
291-3337

Battelle Permit Opposition Committee
1066 North High Street
Columbus, OH 43201

December 28, 1993

United States Nuclear Regulatory Commission
Region III Office
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Federal Officials:

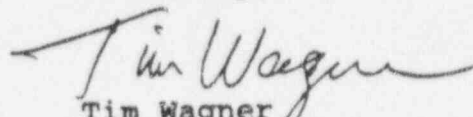
The undersigned is an authorized representative of the Battelle Permit Opposition Committee, an organization of representatives of neighborhoods in the vicinity of the Battelle Memorial Institute's King Avenue Facility in Columbus, Ohio. An employee of that facility has recently made available to us a copy of the enclosed July, 1992, audit of the decontamination and decommissioning program at the Battelle facility. A review of this audit has left us shocked at what appears to be a facility out of control in its handling of radioactive waste materials. There are 193 separate deficiencies noted, many of which are institutional in nature.

We are asking you to investigate the findings of this audit and to take appropriate enforcement action to assure that the Battelle facility is operated in compliance with all federal requirements for radioactive materials handling.

In addition to raising serious questions about the potential threat to our neighborhoods through Battelle's operations, I add that we are also concerned about what this audit demonstrates as to the level of oversight that this facility is receiving. When this audit was released publicly, Battelle's response was that it had passed its NRC inspections. This has left the entire City of Columbus wondering how meaningful those inspections are in light of the serious short-comings disclosed in audit.

This audit comes at an especially difficult time in our community as Battelle is asking for our support on its proposal to significantly expand its mixed waste storage facility in our neighborhoods. Without a serious examination by your office into the contents of this audit, we do not see how we can possibly support an escalation of the risks which Battelle's audit shows are already present at the existing facility. Please, expedite your review of this serious situation for our neighborhoods and for our families.

Sincerely,


Tim Wagner
614-291-3337

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