

**CHEMETRON CORPORATION**  
(An Indirect Subsidiary of  
Sunbeam-Oster Company, Inc.)

Centre City Tower, 21st Floor  
650 Smithfield Street  
Pittsburgh, PA 15222

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Via Express Mail

May 20, 1991

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File ER 91-060

Mr. A. Bert Davis, Regional Administrator  
United States Nuclear Regulatory Commission  
Region III  
799 Roosevelt Avenue  
Glen Ellyn, IL 60137

Dear Mr. Davis:

The purpose of this letter is to summarize certain important points we made during the Enforcement Conference held at your offices on Thursday, May 16, 1991. As you know, we are quite strong in our belief that the apparent violation noted in the May 10th inspection report concerning the McGean-Rohco, Inc. manufacturing complex does not warrant escalated enforcement and should not be considered any higher than Severity Level IV.

Although Chemetron has held a Materials License for many years, the present management of the company, including myself, have only been in control since October 1, 1990. When as a first priority we closely examined the situation at the Bert and Harvard Avenue sites, we were shocked by what we found. It seemed that for over a decade these projects had been neglected or mismanaged by most of the people involved with them. As an example, Chemetron's prior management had turned over the project to a contractor who, with the carte blanche inherent in prior management's abdication of authority and control, essentially assumed all responsibility for dealing with the NRC and the community. It's fair to say that we would have been better off if we had had a clean slate in decommissioning the site when we took over Chemetron.

Just as the NRC did in the Site Decommissioning Management Plan, we set as our objective the timely cleanup of the Bert and Harvard Avenue sites. After seven months, it is clear that we are firmly in charge and on the path of achieving our goal. In our presentation last week, we described all that we have done to organize our efforts, direct our contractors, anticipate and respond to community concerns, and deal with the issues of safety and security. In order to accomplish so much so quickly, we had to set priorities and address some issues before others. As we did, we met or spoke to members of the NRC staff both in the Region and at Headquarters and described our plans for the project.

One of the decisions we made was to prioritize the enormous amount of work that needed attention, including the characterization of McGean-Rohco Building 20. We believed then, and know now, that the contamination in the building poses no undue threat to the health and safety of the workers. There was never a danger to the general public because of the limited access to the facilities. We were reinforced in our decision when we considered the NRC's response to the

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problem. To our knowledge, no inspection of the McGean buildings had ever been done during the numerous visits to the site by NRC staff and their contractors during the ten year since the start of the decommissioning effort.


Even after we identified the problem to the NRC on August 16, 1991, no NRC inspector inquired about the building until January 1991. All of us considered the contamination to be isolated from the workers and to pose no potential of spreading. It was while we were attempting to confirm these widely held beliefs that the actual conditions became known; we immediately acted to establish radiological controls. There is no evidence that any worker has received a dose beyond that permitted for the general public.

We believe our conduct of the Bert and Harvard Avenue projects has been responsible, well controlled and successful. One of the measures of this success is the acceptance of our efforts by the leaders and members of the local community. We work very hard to keep them involved in the remediation process and we think we have established a level of trust that is helpful to both us and the NRC in achieving the mutual goal of a successful cleanup.

Escalated enforcement will seriously weaken this trust without benefitting the overall project in any way. The contamination was spread to the McGean buildings years ago, and the conditions that caused it no longer exists. Our decontamination programs has started. Finally, the community will be confused by the significance of escalated enforcement and will raise concerns that the NRC's priorities are different than theirs. One of the comments made at the Community Meeting was along the following lines: If uranium is harmless (as described by NRC representatives), why do you need a fence with barbed wire to keep people away? A fine or Severity Level III violation will give the impression of a problem far more serious than it is.

We at Chemetron are making a considerable effort to bring to a close a project marred by a history of poor analysis, management and control. We respectfully urge you to consider all that we have done in so short a time and the circumstances surrounding the apparent violation when you make your decision in this matter.

Sincerely yours,

  
Michael G. Lederman  
President

cc: Robert Setrakian  
Barry Koh  
Mark J. Wetterhahn