

October 20, 1997
EN 97-098

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: The Ohio State University
Columbus, Ohio
Docket No. 030-02640

EA 97-258

Subject: PROPOSED IMPOSITION OF CIVIL PENALTIES - \$13,000 and DEMAND
FOR INFORMATION

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of \$13,000 will be issued on or about October 23, 1997, to The Ohio State University, Columbus, Ohio. This action is based on: (1) a Severity Level II problem involving willful violations of inventory and waste storage requirements that occurred due to lack of adequate resources (\$8,000); and (2) two Severity Level III problems involving violations of reporting requirements and failure to secure licensed material (\$2,500 each). Additionally, a Demand for Information is being issued with the action to obtain further assurance that the licensee's corrective measures will be long-lasting.

Because escalated enforcement action had been taken within the past two inspections, the staff considered whether credit was warranted for *Identification* and *Corrective action*. The licensee was aware of the inventory and waste storage problems, but did not take sufficient action to restore compliance; therefore, credit was considered appropriate for *Identification*, but not for *Corrective action*. Additionally, discretion was used to double the base civil penalty because the violations were, in part, repetitive and reflect particularly poor licensee performance.

Credit for *Identification* was not appropriate for the violations cited as two Severity Level III problems because they were either identified by the NRC or self-disclosing. Credit for *Corrective action* was considered appropriate based on improvements in procedures for reporting to NRC and securing licensed material that the licensee presented at the predecisional enforcement conference. Therefore, in both cases, the base civil penalty was assessed.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	October 23, 1997
Telephone Notification of Licensee	October 23, 1997

The State of Ohio will be notified.

The licensee has sixty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contact: J. DelMedico, OE, 415-2739

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION