



UNIVERSITY OF MISSOURI-COLUMBIA

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November 3, 1994

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington DC 20555

RE: EA 94-121
University of Missouri Research Reactor
License R-103

Response to Licensee's reply to Notice of Violation and Proposed Imposition of Civil Penalties
(September 12, 1994); and MURR Directors' replies to the Demand for Information therein

Dear Sir:

My name is J. Steven Morris, Complainant in Department of Labor Case 94-ERA-036, which has been combined with Case 94-ERA-034 brought by Complainant Kurt R. Zinn.

I have read the above referenced documents and find significant factual errors and omissions. Consequently, it is my intention to comprehensively respond to these filings and related issues on, or before, November 15, 1994.

My response is partially motivated by the University's characterization of the DoL Administrative Law Judge's Recommended Decision and Order as flawed because, in part, it is alleged that he failed to consider "uncontroverted" or "unrefuted" evidence brought by the University. This allegation appears in the University's post-hearing briefs, has been repeated at the July 22, 1994, Enforcement Conference, and appears in the written statement provided at that conference by Interim Vice Provost McCormick, who was the ranking administrative official representing the University.

I do not agree that there was evidence, favorable to the University, that was not appropriately considered by the Administrative Law Judge. The University apparently believes that the report of an *ad hoc* task force of the Reactor Advisory Committee should have been admitted as an exhibit in the DoL Hearing. The ALJ determined that it was an "after the fact" University report; and the University was not going to call its authors as witnesses where they would be subjected to cross examination. Based on this determination, the ALJ disallowed the report. Therefore, it was by the University's own actions that this evidence was not considered. Nevertheless, the University did introduce and discuss the *ad hoc* report at the July 22, 1994, Enforcement Conference and it is referenced as an independent Reactor Advisory Committee report in Dr. Rhyne's October 31, 1994 letter to the Director of Enforcement. Consequently, I will provide a specific discussion of this report, and how it and its authors were characterized at the July 22, 1994 Enforcement Conference, in my November 15, 1994 response.

At the July 22, 1994 Enforcement Conference, the University provided a copy of its July 19, 1994, brief in opposition to the Recommended Decision and Order of the Administrative Law Judge. My November 15, 1994 response will include the two post-hearing briefs filed on my behalf.



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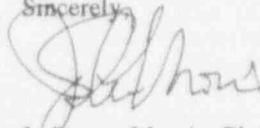
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MURR administration arranged for a three-member panel to interview MURR staff and MU faculty and students who work at the MURR regarding their assessment of MURR's safety culture. This group adopted as their name the MURR Independent Safety Assessment Team, ISAT for short. Their report was made available to MURR staff and each group was requested by the MURR Director to develop a "grass-roots" response. The group which I lead did so and requested that it be supplied as an appendix to the University's official response to the Notice of Violation. Our response was provided to NRC Region III but not to the Director of Enforcement. This group response to the ISAT Report will be provided as part of my November 15, 1994 response.

To my knowledge the documents and enforcement conference referenced and discussed above are those items for which a response, in my opinion, is necessary if the record is to be accurate. However, if there are specific issues of interest to the Director of Enforcement that are not included in the response I have outlined above, please inform me and I will attempt to do so.

In summary, it is my sole intention to correct and document the record. I have studied the commitments made by MU and MURR administrators to avoid reoccurrence of the circumstances in which we now find ourselves. I hope their statements and intentions are genuine; time will tell. When a licensee takes serious personnel actions as a result of dissent, whether those actions are discriminatory, unwarranted, unadvised, or simply misunderstood; one of the first casualties is the working environment. It is quite easy to create a chilling and hostile atmosphere; it is quite difficult to repair it; it is impossible to repair it if the record is not accurate.

Sincerely,



J. Steven Morris, Ph.D.
Coordinator, Nuclear Analysis Program, and,
Adjunct Professor of Chemistry

cc: NRC Region III
S. Weiss NRC/NRR