



ENERGY NORTHWEST

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August 9, 2010
GO2-10-106

10 CFR 50.90
10 CFR 50.54(q)

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Subject: **COLUMBIA GENERATING STATION, DOCKET NO. 50-397
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RELATED
TO LICENSE AMENDMENT REQUEST TO SUPPORT 618-11
REMEDATION**

- References:
- 1) Letter GO2-10-066 dated April 28, 2010, W.S. Oxenford (Energy Northwest) to NRC, "License Amendment Request in Support of Department of Energy (DOE) 618-11 Waste Burial Ground Remediation Project – Non-Intrusive Activities"
 - 2) NRC Letter dated July 7, 2010, C.F. Lyon (NRC) to J.V. Parrish (Energy Northwest), "Columbia Generating Station – Request for Additional Information Related to License Amendment Request to Support 618-11 Remediation (TAC No. ME3863)"

Dear Sir or Madam:

By Reference 1, Energy Northwest requested Nuclear Regulatory Commission (NRC) approval of a proposed license amendment request which revises the Final Safety Analysis Report and Emergency Plan to support U.S. Department of Energy non-intrusive surveillance and characterization activities within the 618-11 Waste Burial Ground. Via Reference 2, the NRC requested additional information related to the Energy Northwest license amendment request submittal.

The Energy Northwest response to the Reference 2 request for additional information is provided in the attachment to this letter.

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There are no commitments contained in this letter. If you have further questions, please contact D.W. Gregoire at (509) 377-8616.

Respectfully,


W.S. Oxenford
Vice President, Nuclear Generation and Chief Nuclear Officer

Attachment: Response to Request for Additional Information (RAI)

cc: NRC RIV Regional Administrator
NRC NRR Project Manager
NRC Senior Resident Inspector/988C
R.N. Sherman – BPA/1399
W.A. Horin – Winston & Strawn

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Response to Request for Additional Information (RAI)

As noted in Section 2.1 of the Application, the 618-11 Waste Burial Ground (618-11 site) has a number of aliases including Wye Burial Ground, "Y" Burial Ground, 300 Wye Burial Ground, and 318-11. To the greatest extent possible, Energy Northwest responses will refer to the 618-11 site and any use of aliases is to match source documentation.

Nuclear Regulatory Commission (NRC) RAI #1:

Section: Section 1.7.24 [*sic – should be 1.7.25*] Emergency Plan

The definition of Owner Controlled Area states, "That area that Energy Northwest maintains industrial and process control of." What areas of the site are in the Owner Controlled Area, specifically in regard to the location of Burial Site 618-11?

Energy Northwest Response to NRC RAI #1:

The Owner Controlled Area is the area within the Site Area Boundary as shown in Figure 1 of the Application. It encompasses the exclusion area and Energy Northwest leased land up to the line of navigation of the west bank of the Columbia River. The exclusion area boundary includes both leased land and Department of Energy (DOE) property. Energy Northwest control of the leased land and DOE Property is defined in and established through contracts and a Memorandum of Understanding (MOU) between DOE and Energy Northwest (discussed in Response to NRC RAI #2, Question 2, below). The 618-11 site is labeled as "Wye Burial Ground" in the figure. The 618-11 site is located 1100 ft west of the Columbia Generating Station (CGS) Reactor Building, adjacent to Energy Northwest leased land, on DOE property, and is entirely within CGS's exclusion area. Additionally, the 618-11 site is inside of the security barrier.

NRC RAI #2:

Section: Section 2.1 Application

Section 2.1 states in part, "The 618-11 site is located ... and is entirely within ... and security barrier."

1. Is the security barrier on Energy Northwest property?
2. What agreements with DOE are in place for access and control of activities within this security barrier?

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Energy Northwest Response to NRC RAI #2, Question 1:

The security barrier encompasses the CGS site and is located on both leased land and DOE property. Where the security barrier is located on DOE property, DOE has granted an easement to Energy Northwest. As such, Energy Northwest has a legal right to use the property.

Energy Northwest Response to NRC RAI #2, Question 2:

The security barrier is located within the CGS exclusion area. Two agreements with DOE touch upon activities within the exclusion area: 1) Contract No. AT(45-1)-2269, a lease effective December 10, 1971, and 2) Contract No. AT(45-1)-2269, as amended on October 16, 1975, via a MOU between the parties. In the MOU, "the Administration [DOE] agrees that the Supply System [Energy Northwest] has the authority to determine all activities within the exclusion area within the meaning of 10 CFR Section 100.3(a) [now 100.3], including the authority to remove all personnel and property from the area. The Supply System agrees that it will not exercise such authority in a manner so as not to preclude the Administration from undertaking any action or activity within the exclusion area that is permissible under the provisions of 10 CFR Section 100.3(a)." This agreement contains a specific list of DOE activities within the exclusion area including the 618-11 site and Energy Northwest concurred that "activities relating to the operation, maintenance, repair, and replacement of the foregoing are permissible activities under 10 CFR 100.3(a)."

On June 10, 2002, Energy Northwest and DOE entered into a Security Barrier Land Easement which specifically addresses access and control of the easement premises for the security barrier.

On January 21, 2010, an MOU between Energy Northwest and Washington Closure Hanford (WCH), DOE's 618-11 site contractor, was agreed upon "to establish the basis for cooperation and mutual support with respect to WCH operational activities during the characterization phase of the remediation" of the 618-11 site. The MOU has specific Security and Access requirements which include the requirements for WCH personnel and visitors to access the 618-11 site through checkpoint Post 21 (the CGS Main Access Gate) and, if on the 618-11 site greater than 5 working days, they shall be issued a "Blue Badge" by CGS Access Authorization. This ensures that "Appropriate training or information on applicable CGS emergency procedures will be given to such individuals."

NRC RAI #3:

Section: Section 4.1 Application

Section 4.1.3 states, "Currently, Energy Northwest is the sole agency responsible for public health and safety, protective action recommendations, and notifications for events within the Columbia exclusion area." How is this responsibility delegated legally to DOE for 618-11 events?

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Energy Northwest Response to NRC RAI #3:

Energy Northwest did not intend to imply nor has delegated any responsibilities arising under NRC regulations with respect to events which may occur at the 618-11 site. In the first instance, DOE activities at the 618-11 site are being conducted pursuant to DOE authority under the Atomic Energy Act, and separate agreements with other Federal and State governmental agencies (See Application Sections 2.2, 2.3). Further, coordination regarding specific activities at the 618-11 site as they relate to Energy Northwest are managed by the MOU between Energy Northwest and WCH regarding 618-11 site activities (See Application Section 2.3 3). In addition, although the 618-11 site is within the CGS exclusion area, radiological materials associated with that site are not under the control of Energy Northwest nor are they licensed by the NRC. Thus, although Energy Northwest must evaluate the potential implications of possible radiological releases from 618-11 activities on CGS operation, it is not otherwise responsible for doses arising from those materials,¹ irrespective of the circumstances giving rise to such doses. Rather, those materials are within DOE's control, and therefore doses arising from those materials, including as a result of 618-11 site events, are within DOE's responsibility.

For Energy Northwest, 618-11 site events are most properly characterized as external events for evaluation under NRC regulations, including 10 CFR 50.54, 72.44, 100.3 and 100.10, as well as specific implications for Security and Emergency Planning purposes. In these contexts, Energy Northwest has taken appropriate measures to assure necessary actions are taken in response to an event at the 618-11 site, consistent with and in fulfillment of its own regulatory responsibilities.

These measures are described in the license amendment request. Without reiterating those measures in full, Energy Northwest notes that assurance of proper actions in accordance with NRC regulatory requirements are taken at the CGS plant. In addition, the respective obligations between DOE and Energy Northwest are defined and provided in the MOU between Energy Northwest and WCH regarding 618-11 activities. The details of Energy Northwest's fulfillment of its NRC obligations are reflected in the proposed amendments to the CGS Final Safety Analysis Report (FSAR), and Emergency Plan (EPlan). In particular, specific measures agreed to and/or to be taken by CGS are reflected in the proposed FSAR changes (Application Section 2.6) concerning control of activities, nearby facilities, and missile protection, and the proposed EPlan changes (Application Section 2.7) including respective authorities, coordination, emergency classifications and notification, protective actions and responsibilities and EPlan procedures (such as communication and notification mechanisms and obligations, Energy Northwest event classifications, and coordination of the 618-11 site emergency plans and procedures with the CGS EPlan).

¹ The NRC, in its rulemaking "Radiation Protection Requirements: Amended Definitions and Criteria," 60 Fed. Reg. 36043 (July 13, 1995), modified its "public" and "worker" dose definitions in 10 CFR Part 20. In that rulemaking, the NRC made clear that underlying the revisions, and clarification of licensee responsibilities, was the fundamental principle that "licensees are not responsible for doses from sources not under their control." 60 Fed. Reg. at 36039. In addition, as noted in 10 CFR 20.1001, only NRC "licensed" materials are governed by NRC standards for protection against radiation.

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These measures provide assurance that Energy Northwest has satisfied its NRC regulatory obligations and responsibilities with respect to 618-11 events.

NRC RAI #4:

Section: Page 42 of 56 Application

Section 2.1.2.2.2 discusses the communication and notification from DOE for the event at the Burial Site 618-11 site.

1. How are communications made for events that could occur during non-work hours at the Burial Site 618-11 site?
2. How would an event occurring after work hours at the Burial Site 618-11 site be detected (e.g., portable area radiation monitors, continuous air monitors)?

Energy Northwest Response to NRC RAI #4, Question 1:

The 618-11 site has no active systems or components. The only accident events postulated to occur during the non-intrusive phase at the 618-11 site involve planned waste characterization activities which occur during normal work hours. Access to the 618-11 site is controlled by a fenced perimeter and a gate which will be locked during non-work hours. Standard industrial events such as a fault induced electrical fire in one of the 618-11 site trailers is an example of an event that could occur during non-work hours. Energy Northwest security officers would be the most likely personnel to detect an industrial event during non-work hours and they would follow the Energy Northwest security protocol in making notification to the CGS Control Room.

Energy Northwest Response to NRC RAI #4, Question 2:

There are no postulated accidents during the non-intrusive phase involving waste stored in the 618-11 site that could occur after normal work hours. An industrial event (such as a trailer fire) would most likely be detected by Energy Northwest security officers and reported to the CGS Control Room and the Hanford Fire Department via standard CGS Site fire response protocols. The Hanford Fire Department routinely responds to Energy Northwest requests for fire and/or medical emergencies. The Hanford Fire Department would follow standard DOE protocols for addressing an event at the 618-11 site. Additionally, Energy Northwest will maintain four Continuous Air Monitors (CAMs) in occupied buildings adjacent to the 618-11 site. In the unlikely event of an after-hours radiological release, these CAMs will detect elevated levels of radioactivity and provide an audible alarm.

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NRC RAI #5:

Section: General

Please verify that the proposed changes to the emergency plan have been discussed with local and State response organizations, specifically that DOE will be responsible for offsite notifications and protective action recommendation, and provide documentation.

Energy Northwest Response to NRC RAI #5:

Energy Northwest and DOE presented information about the intended activities at the 618-11 site and the necessary changes to the Energy Northwest EPlan to support the efforts to the offsite agencies at a meeting on January 7, 2010 at the Franklin County Emergency Operations Center. Attendees included representatives from Federal Emergency Management Agency (FEMA) Region X (Ten), Washington Emergency Management and Department of Health, Oregon Office of Energy, Benton, Franklin, and Grant Counties. Additionally, Energy Northwest informed stakeholders via letter of the emergency event lead agency for emergency conditions arising within the CGS exclusion area. Energy Northwest will assume lead for conditions arising at CGS and WCH will assume lead for conditions arising at the 618-11 site. This letter was sent to FEMA Region X (Ten), Washington Emergency Management, Washington Department of Health, Benton County Emergency Services, and Franklin County Emergency Services. Energy Northwest has received confirmation of receipt. A copy of the letters and confirmation of receipt can be made available for review, if needed.

NRC RAI #6:

Section: General

Please verify that plans are in place to ensure timely staff augmentation if an event at Burial Site 618-11 site causes access restrictions to the site, and provide documentation.

Energy Northwest Response to NRC RAI #6:

The Energy Northwest Emergency Response Organization (ERO) is activated concurrent with an event at the 618-11 site in two separate ways: 1) As discussed in Section 2.7.3 and Attachment 2 of the Enclosure to the Application, Energy Northwest declares an ALERT and activates the ERO for "Any release resulting from an explosion and/or fire involving or suspected to involve the waste buried within the 618-11 Waste Burial Ground," or 2) A simultaneous ALERT or higher event at CGS unrelated to the 618-11 site concurrent with "Any release resulting from an abnormal event at the 618-11 Waste Burial Ground that is deemed potentially detrimental to the health and safety of CGS site personnel and visitors within the CGS exclusion area." Since no analyzed accident at the 618-11 site is a precursor to an event at CGS, the simultaneous occurrence of an unrelated activation of the ERO for a CGS event concurrent with an event at the 618-11 site is improbable.

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Staff augmentation is implemented as a result of a declaration of an ALERT or higher. Assembly of the offsite responders would be directed by automated ERO notification to respond to either normal site ERO centers or offsite Alternate ERO centers, depending upon the event specific release and site conditions. If an event at the 618-11 site causes access restrictions to the site, the alternate access point (Post 1-8) located to the east and on the opposite side of the site from the main access point (Post 21 – the CGS Main Access Gate) would be utilized.