



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

September 25, 2003

Mr. Craig E. Jensen, CHP  
Corporate Radiation Safety Officer  
Battelle Memorial Institute  
505 King Avenue  
Columbus, OH 43201-2693

**SUBJECT: NRC REVIEW COMMENTS AND REQUEST FOR ADDITIONAL  
INFORMATION REGARDING BATTELLE MEMORIAL INSTITUTE (LICENSE  
AMENDMENT MC 312086 (SNM-00007))**

**REFERENCES:**

1. Decommissioning Plan, Battelle Memorial Institute Columbus Operations, DD-93-19, Revision 5, June 5, 2003
2. Decommissioning Plan, Battelle Memorial Institute Columbus Operations, DD-93-19, Revision 4, January 23, 2003
3. Radiation Protection Program, Battelle Columbus Laboratories Decommissioning Project, DD-90-02, Revision 4, January 23, 2003

Dear Mr. Jensen:

We have completed our review of your June 6, 2003, amendment request to modify the Battelle Memorial Institute's (BMI) NRC license, SNM-00007, and its NRC approved Decommissioning Plan (DP). The changes are specific to BMI's management organization, duties, and responsibilities.

After review of your amendment we have determined that it does not provide sufficient information for the NRC staff to conclude that the BMI license and DP will be implemented and enforced properly. Specifically, the license amendment contains references to the Memorandum of Understanding (MOU) between the U.S. Department of Energy (DOE) and BMI and to the closure contractor assuming oversight responsibility for the decommissioning program. The proposed revisions and references are too indirect, and potentially confusing, such that NRC staff is not confident that BMI's program will be implemented as described in its DP and license. Further, NRC management informed both DOE and BMI management representatives during past discussions that the MOU would not be reviewed by the NRC, as it is an internal mechanism between DOE and BMI to enable BMI to fulfill the requirements of the DP and license through the use of a contractor. As such, the MOU should not be made part of the BMI license. It was also understood that contractor personnel would perform decommissioning work, which would be managed by DOE, but BMI would retain the oversight function in order to insure compliance with its NRC license and DP.

In order for NRC staff to continue its review of this request, additional information will have to be submitted before NRC staff can conclude that BMI has sufficient control over its decommissioning program. Please respond in writing regarding the following items:

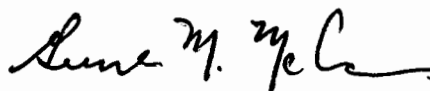
- A. Describe in greater detail the BMI oversight team that is responsible for day-to-day supervision of contractor work. Your application appears to infer that there is a single BMI employee (Corporate Radiation Safety Officer) for this day-to-day supervision, but this individual appears to have a minimal onsite presence. Further, it appears that all management positions, currently filled with staff directly reportable to BMI, will be filled with closure contractor personnel. This program description does not convince NRC staff that BMI will have a sufficient day-to-day onsite presence such that it can adequately influence, control, and oversee its decommissioning program. Therefore, your description should include how BMI will audit its radiation safety program, monitor the quality control/assurance program, and approve or stop work as necessary to assure proper oversight of the decommissioning activities. Additionally, your description should include information regarding BMI staffing levels, staff onsite time commitments, and a discussion of how BMI will audit and document the results of the various elements of its program.
- B. Provide a detailed description of the BMI management interfaces in place between the licensee's management and the onsite contractor management and supervisors. This should include descriptions of the duties and responsibilities and authority to stop work of BMI personnel, and a discussion how reviews, audits, and records will be maintained and reported to BMI management and the NRC (as required by NRC regulations). The discussion should also include a description of the oversight responsibilities and authority that the licensee will exercise over contractor personnel. The current sequence of oversight and approvals described in the application does not appear to sufficiently engage oversight personnel. That is, it appears that the contractor initially reports to DOE and DOE responds back to the contractor before involving BMI. Whenever reports, notifications, or approval of work packages (modifying procedures, or significant safety or guidance documents) are to be approved and implemented by the contractor, BMI must concur with the proposed change or activity before implementing the change or activity.
- C. Submit a revised BMI Organizational Chart which depicts the core BMI positions which will be in place to ensure adequate oversight as requested in Item B above. The positions currently described in the DP may be filled by closure contractor personnel, assuming there is a separate BMI oversight group as indicated above. Otherwise, if all the current positions are filled with closure contractor personnel without direct BMI control, it is not clear how BMI would fulfill its responsibility for oversight and implementation of its license and DP.

Additionally, BMI's decommissioning plan currently authorizes it to approve contractors and their programs. The licensee evaluates the proposed contractor's qualifications, training, and proposed radiation safety program. If BMI finds that the contractor's program, procedures, and training are equivalent to its license commitments, then BMI can approve the contractor of the BMI license without NRC approval or license amendment. Otherwise, the proposed contractor would be constrained to using BMI's radiation protection program, decommissioning procedures, and complete BMI training.

- D. Justify why the BMI Radiation Protection Program Plan, currently tied down in the BMI license does not also need to be revised. These two documents are core to the BMI decommissioning program, and both describe management duties, responsibilities, and oversight commitments. It is not clear how BMI will prevent conflict and confusion with two different management descriptions in two separate documents.
- E. Submit a revised decommissioning schedule which reflects BMI's best estimate of the decommissioning work phases, and the current projected completion date. The schedule contained in your application, Figure 2.6, Baseline Decommissioning for BCLDP, is unreadable.
- F. Confirm Battelle's commitment and understanding that it continues to be responsible for and will maintain its NRC accepted financial assurance decommissioning funding mechanism. If BMI desires to change or discontinue this mechanism, that is, if the U.S. Department of Energy (DOE) intends to guarantee 100 percent of the cleanup, and BMI wishes to be relieved of maintaining a funding mechanism, it will be necessary to request an amendment to your license.

As discussed during our telephone conversation, we have voided your amendment request, and will reactivate this action upon receipt of the above materials. If you have any questions or require clarification on any of the information stated above, please do not hesitate to contact me at (630) 829-9856.

Sincerely,



George M. McCann  
Senior Radiation Specialist  
Decommissioning Branch

License No. SNM-00007  
Docket No. 070-00008

cc: F. Hood, VP, ESH&s, BMI  
R. Owens, Ohio Department of Health