



Putting Technology To Work

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November 17, 2003

Mr. George McCann
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4351

Dear Mr. McCann:

Enclosed for consideration are the Battelle Memorial Institute (BMI) responses to the NRC Telephone Conversation Record of October 30, 2003, that addressed the request for additional information by Region III NRC on the Battelle Columbus Laboratories Decommissioning Project Decommissioning Plan Revision.

BMI is also requesting consideration of the following changes to the SNM-7 License when the Decommissioning Plan Revision 5 is approved. In Section 9 Authorized Places of Use BMI requests to change the term "remediation" to "deconstruction." Finally, in Section 11 Conditions Part A please remove the reference to the Site Radiation Safety Officer William D. Allen, CHP, and include only the reference to BMI RSO Craig Jensen, CHP.

Sincerely,

A handwritten signature in cursive script that reads "Craig E. Jensen".

Craig Jensen
Battelle Memorial Institute
Radiation Safety Officer

CJ
Enclosures (1)

BMI RESPONSE TO NRC TELEPHONE CONVERSATION RECORD

PERSON(S): Craig E. Jensen
Radiation Safety Officer (RSO)

LICENSEE: Battelle Memorial Institute (BMI)
West Jefferson, OH

LICENSE No: SNM-7
DOCKET No: 070-00008

CALLER: George M. McCann, Senior Radiation Specialist
Decommissioning Branch

DATE: October 30, 2003

SUBJECT: NRC REQUEST FOR ADDITIONAL INFORMATION (RAI) REGARDING
REVISION TO DECOMMISSIONING PLAN (MC 312674)

REFERENCES: 1. October 17, 2003 letter from licensee, transmitting revised
Decommissioning Plan
2. Licensee Attachment 1, "Response to NRC review
comments dated September 25, 2003, SNM-7"
3. Decommissioning Plan, DD-93-19, Revision 5, October 16,
2003

On the above date, Nuclear Regulatory Commission (NRC), Region III, staff contacted the licensee's Radiation Safety Officer (RSO) to discuss staff findings regarding the licensee's October 17, 2003 license response. The NRC staff indicated that the response was close to satisfying NRC concerns regarding the licensee's oversight of the West Jefferson decommissioning project. However, the NRC staff believes that some weaknesses need to be addressed before the NRC will endorse the Decommissioning Plan (DP) amendment request.

The areas that the licensee was requested to respond to are listed below. The NRC staff comments may be preceded by an excerpt from the licensee's submittal for reference. The reviewer's comments and request for additional information are bolded.

A. From DP, Page 1 and 2, 1st bullet:

- **Oversee daily decommissioning activities, audits and assessments of closure contractor programs, and stop work authority over closure contractor activities that constitute a substantial safety hazard or involve an unacceptable potential for such hazard.** These activities are discussed in the BCLDP Oversight Plan, included as Attachment 1.

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From DP, Page 30, Section 2.2.2 "Decommissioning Operations":

The BMI RSO performs additional oversight activities. **The BMI RSO has the responsibility and authority to order the cessation or modification of any activities believed to constitute a substantial safety hazard or involve an unacceptable potential for such hazard.** The BMI RSO also provides oversight to BCLDP in matters concerning license conditions and the quarterly review of segments of the radiation protection program. The BMI RSO and Site RSO will communicate frequently and maintain such records as are deemed necessary to conduct their operations. The BMI RSO position is filled by an employee of Battelle and may not be filled by a contractor. Qualifications for the BMI RSO are:

From DP, Page 44, Section 3.3, "Radiation Protection Program":

The BMI RSO is appointed by the Battelle CEO and reports to the CEO through Battelle's Vice President for ESH&Q; the BMI RSO has direct access to the CEO (~~'when deemed appropriate'~~). The BMI RSO is responsible for periodically assessing compliance with RPP requirements by performing oversight and assessment of BCLDP operations. **The BMI RSO may stop any operations involving licensed activities that are unsafe or non-compliant with NRC requirements.** The Vice President of ESH&Q and the DDO Program Manager will consult the BMI RSO in the assignment of managerial positions in the RPP. The BMI RSO is responsible for periodically assessing compliance with RPP requirements by performing oversight and assessment of BCLDP operations.

NRC COMMENT: The NRC staff requests the licensee to clarify the statements identified in the above two portions of the licensee's DP. The use of the qualifier in the first two sections, i.e., substantial, needs to be explained. The licensee must have stop work authority for any activity determined to not be in compliance with NRC regulations or license condition.

BATTELLE RESPONSE: As discussed in the telephone call on October 30, 2003, the phrase from page 44, (**The BMI RSO may stop any operations involving licensed activities that are unsafe or non-compliant with NRC requirements**) governs all license-related activities. The other two phrases refer to non-radiologically related activities, i.e., industrial safety and health, which are also of importance; but, these areas of oversight will be conducted to focus on issues of significance.

All three of these statements need to be read together. The statement from page 44 (**The BMI RSO may stop any operations involving licensed activities that are**

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unsafe or non-compliant with NRC requirements) is clear and unambiguous; unsafe or non-compliant activities will not be tolerated. This statement specifies the authority of the BMI RSO and persons working under his authority, including, for site activities, the BCLDP Project Manager. The other two phrases do not limit or diminish this authority.

B. From DP, Page 2:

Note: Since the Oversight Plan is a living document, it is requested that it not be incorporated by reference to the DP, but rather it will be change managed through the HP-AP-36.0 process.

NRC COMMENT: The NRC staff does not agree with this request. The NRC needs this document to have minimum confidence that BMI will have sufficient oversight of the program after the Closure Contractor takes over the day-to-day decommissioning operations. The staff also believes the licensee has ample 50.59 authority. The licensee will either need to retract this request or provide additional information to support the request.

BATTELLE RESPONSE: Battelle wishes to clarify its comment. As discussed with Mr. McCann, Battelle commits to incorporating the Oversight Plan into the license, with the agreement by the NRC that Battelle is permitted, during the course of the assessment, to simply document "nothing was done" if no substantive activities were performed during the assessment period in the review topic.

C. From DP, Page 15, Section 2.1.3.4, "Decommissioning Operations":

The **Area or Building Characterization Report** includes radiological and chemical survey data, prior to decontamination. It will be prepared for each building or area to be decontaminated. Upon completion of the final status survey, each area or building, ~~including areas not decommissioned,~~ will have a Final Status Report produced that documents residual radioactivity levels. Each area will also require an independent verification survey to confirm that release criteria have been met. Building JN-1 will be characterized to the extent necessary to provide quantification of radiological hazards and radioactive waste management information, but will not require a Final Status Report since it will be deconstructed and ('the JN-1 residual will be') managed as radiologically contaminated materials

NRC COMMENT: Clarify this deletion from the DP. The licensee is required to comply with NUREG 5849. The NUREG calls for surveys of adjoining unaffected areas.

BATTELLE RESPONSE: As specifically discussed with Mr. McCann, Battelle commits

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to complying with the NUREG 5849 process. This response addresses the NRC's concern.

D. From DP, Page 25, Section 2.2.2, "Decommissioning Operations":

The BMI RSO performs additional oversight activities. The BMI RSO has the responsibility and authority to order the cessation or modification of any activities believed to constitute a substantial safety hazard or involve an unacceptable potential for such hazard. The BMI RSO also provides oversight to BCLDP in matters concerning license conditions and the quarterly review of segments of the radiation protection program. **The BMI RSO and Site RSO will communicate frequently and maintain such records as are deemed necessary to conduct their operations.** The RSO position is filled by an employee of Battelle and may not be filled by a contractor. Qualifications for the BMI RSO are:

From Battelle Columbus Laboratories Decommissioning Project (BCLDP) Oversight Plan, Section II, "Oversight Organization":

The BMI Chief Executive Officer (CEO), who has primary responsibility for NRC license SNM-7, has assigned two positions with responsibility for the oversight of the West Jefferson D&D efforts. These positions consist of the BMI Radiation Safety Officer (RSO) and the BCLDP Project Manager. **Since the BCLDP oversight is the primary assignment for each of these positions, it is expected that there will be a daily BMI presence on the BCLDP site. The BMI RSO has been assigned the responsibility for overseeing the day-to-day implementation and compliance with the Decommissioning Plan (DP) and the Radiation Protection Program (RPP) plan.** The BCLDP Project Manager has been assigned the responsibility for overseeing the line management, technical approach, schedule timeliness, and quality of the decommissioning effort, all of which must meet license requirements. These two functions work closely together to provide a comprehensive and independent review of the activities conducted by the Closure Contractor.

NRC COMMENT: The NRC staff requests a specific commitment, that is, there will be a daily onsite presence of BMI oversight personnel, i.e., the BMI RSO and Project Manager or qualified designee (e.g., BMI HP Rad Tech). Also, there will be weekly walk-downs by the RSO and Project Manager or qualified BMI designee. The RSO and Project Manager will receive and review the weekly decommissioning work plans prior to work being conducted.

BATTELLE RESPONSE: BMI will meet the requirements. BMI commits to a daily on-

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site presence by BMI oversight personnel or qualified designee(s). BMI commits to weekly walk-downs by BMI oversight personnel or qualified designee(s). The RSO and Project Manager or designee(s) will receive and review decommissioning work plans prior to work being conducted. These activities will be conducted commensurate with the work being performed, e.g., holidays and vacations. Per NRC request, an uncontrolled copy of procedure MA-AP-20.1, *Management Walkdowns*, is attached.

E. With Regard to BCLDP Oversight Plan, Section II, "Oversight Organization"; Section III, "Oversight Activities"; and Table 2, "Oversight Assessments Frequencies":

NRC COMMENT. Since the project is scheduled to last only another two years, and since the NRC believes this to be a unique initiative, the NRC staff believes annual frequencies in all the independent assessment categories to be too long. The licensee was requested to consider and provide back to the NRC frequencies that will assess the Closure Contractor's performance early on, e.g., 3-6 months after assuming management of the decommissioning work and 6 months thereafter. Not all the categories have to be reduced [review accelerated]. The licensee will need to look at those areas with the greatest potential for impacts on the worker, environment, and public.

BATTELLE RESPONSE: Battelle regrets any confusion. It is Battelle's intent to spread the oversight activities out in time. During the first 3- to 6-month time frame after the Closure Contractor assumes the work, Battelle will perform targeted reviews to assess the Closure Contractor's license compliance status, prioritizing and focusing reviews and assessments of radiological work on a graded risk basis. The focused reviews are not planned to encompass all of the Table 2 areas during the first 3- to 6-month review period, but all will be addressed during the 12-month period. For example, from Table 2, Exposure Control, Control of Work Radiation Safety Training, and Shipping/Receiving of Radioactive Material Elements will be covered in the first 3 to 6 months.

**DECONTAMINATION AND DECOMMISSIONING OPERATIONS (DDO)
MANAGEMENT ASSESSMENT ADMINISTRATIVE PROCEDURE (MA-AP)**

MANAGEMENT WALKDOWNS

**BATTELLE
505 King Avenue
Columbus, Ohio 43201**

Procedure Status:

- Non-Critical Procedure
 Critical Procedure – Procedure
Qualification Packet Required

CAF 11/17/03
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REVISION RECORD INDICATING
LATEST DOCUMENT REVISION

Title Management Walkdowns

No. MA-AP-20.1

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Issued By	RB

PROCEDURE APPROVAL PAGE

Prepared By:

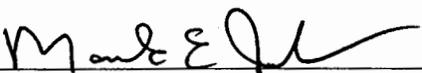


G. H. Eriksen, Quality Manager

9/26/02
Date

This procedure, MA-AP-20.1, *Management Walkdowns*, has been reviewed and approved by the following.

Approved By:



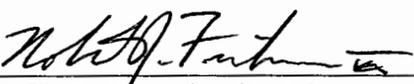
M. E. Jackson, Regulatory Compliance, and
Environment, Safety, and Health Oversight Manager

9/30/02
Date



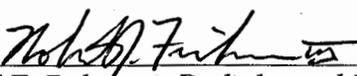
N. J. Gantos, Decontamination and
Decommissioning Operations Program Manager

10/01/02
Date



~~G. H. Eriksen, Quality Manager~~
R. FRIEDMAN 7877 9/30/02

9/30/02
Date



for J.F. Poliziani, Radiological Technical
Support Manager (Acting)

9/30/02
Date

MANAGEMENT WALKDOWNS

1.0 Scope

This procedure applies to Battelle Decontamination and Decommissioning Operations (DDO) management walkdowns performed by Battelle Columbus Laboratories Decommissioning Project (BCLDP) managers who are responsible for physical work activities but normally spend most of their time in an office environment. In general, this includes managers of the following organizations: DDO Program; Characterization; Safety, Health, and Environmental Support; Surveillance and Maintenance; Waste Management Operations; and Remedial Action.

2.0 Purpose

The primary purpose of this procedure is to provide an implementation vehicle that facilitates a culture where managers (through direct work observation and personal contact) are verifying that work is of desired quality and is being performed in a safe and environmentally responsible manner, are identifying improvement opportunities, and are addressing worker concerns. This procedure is a tool to uniformly enhance actions within these areas of responsibility to ensure and improve the quality of activities. This document plus MA-AP-20.2 (see Reference 3.1.3) implements Section 20 and a portion of Section 2 of the DDO Quality Manual (see Reference 3.1.1), and the BCLDP Self Assessment Program Implementation Plan (see Reference 3.1.2).

3.0 References, Definitions, and Developmental Resources

3.1 References

- 3.1.1 DD-MN-01, DDO Quality Manual
- 3.1.2 DD-93-15, BCLDP Self Assessment Program Implementation Plan
- 3.1.3 MA-AP-20.2, Management Self Assessments.

3.2 Definitions

Reference to the BCLDP Procedure Dictionary for definitions of the following terms:

Adverse Condition
Assessment
Walkdowns

3.3 Developmental Resources

None.

4.0 General

- 4.1 Management walkdowns, as described in this procedure, are not intended to apply to normal oversight of an activity by first-line supervisors or other managers (such as building managers) who are present in field working areas on a daily basis. These individuals are expected to perform the functions described in this procedure on a routine basis as part of their normal job responsibilities.
- 4.2 The **DDO Program Manager** shall determine the frequency of management walkdowns.
- 4.3 **Managers** conducting management walkdowns shall interface with Safety and Health Physics personnel as appropriate to assure compliance with safety requirements as presented in Work Instructions, Safety Checklists, and Radiological Work Permits (RWPs).
- 4.4 If the workforce changes by shift or by day of the week, the **Managers** shall perform management walkdowns during different shifts, on different days of the week, or during different working hours to ensure that they evaluate the full spectrum of activities and personnel. If a management walkdown is conducted off normal working hours, appropriate interfaces must be prearranged with Safety and Health Physics personnel.
- 4.5 Management walkdowns can be initiated and performed by a manager as described in this procedure, or while accompanying an internal oversight assessment being led by an individual from the Quality or Regulatory Compliance and Environment, Safety, and Health Oversight (RC&ESHO) departments. If the latter alternative is used, the corresponding oversight procedure and documentation will be used.

5.0 Procedure

D&D Managers shall perform the steps in Section 5.0 on the portions of the DDO program for which they are responsible.

- 5.1 Select the walkdown area, location, or operation and become familiar with the activities by reading Work Instructions, RWPs, S&M procedures, maintenance work orders, and facility descriptions to be able to discuss issues knowledgeably with personnel directly involved in the area, location, or operation.

- 5.2 Coordinate the management walkdown with others as appropriate. Managers performing management walkdowns should be accompanied by other individuals as necessary to facilitate an understanding of the area being evaluated, maximize assessment effectiveness in terms of breadth and depth, and minimize impact on the workers. For example, if the DDO Program Manager, Field Operations Manager, or Remedial Action Manager is performing a management walkdown, he or she should be accompanied by a project manager, functional manager, or task leader as appropriate.
- 5.3 During the management walkdown, **managers** shall
- 5.3.1 Generally assess all observed operations and specifically evaluate activities in their areas of responsibility to ensure that the desired quality is being achieved; tasks are being performed effectively and efficiently; and appropriate environmental, safety, and health measures are being taken.
 - 5.3.2 Maintain an awareness of the overall DDO Program and assess activities from an integrated DDO Program framework.
 - 5.3.3 Examine documentation for conformance to procedures, plans, RWPs, or other requirements. The extent and scope of this examination depends on the responsibilities of the manager.
 - 5.3.4 Communicate with individuals to identify any improvement opportunities, and solicit and address any employee concerns.
 - 5.3.5 Contact Quality, the Safety Officer or RC&ESHO staff if assistance is needed in investigating or formally documenting an adverse condition.
 - 5.3.6 Conduct discussions and share information with individuals contacted and others as necessary.
 - 5.3.6.1 Discuss all strengths and weaknesses observed during the management walkdown regardless of the responsibility for the activity.
 - 5.3.6.2 Evaluate the management walkdown results and plan follow-up actions as appropriate.
- 5.4 Document the management walkdown on DDO-370, Management Walkdown Report. The form should include significant items needing follow-up by the manager or other DDO parties as deemed necessary. Distribute DDO-370 to the DDO

Program Manager, Quality Management, RC&ESHO Manager, Project Records (in duplicate), and other impacted individuals.

- 5.4.1 **Managers** shall enter corrective actions requiring follow-up into the computerized corrective action tracking system.
- 5.4.2 Corrective actions will be held open in the corrective action tracking system until closed by the **responsible manager**.
- 5.4.3 Corrective actions closed during the assessment (CDAs) shall be recorded in the "Summary of Observations and Comments" section of form DDO-370.

6.0 **Records**

Records generated by this procedure include the Management Walkdown Report.

7.0 **Forms, Exhibits, and Attachments**

7.1 **Forms**

- DDO-370, Management Walkdown Report

7.2 **Exhibits**

None.

7.3 **Attachments**

None.



MANAGEMENT WALKDOWN REPORT

- Self Assessment
- Independent Oversight
- Other _____

DDO Location, and Activity: _____

Manager Performing Walkdown: _____ **Date** _____

Individuals Contacted: _____

Summary of Observations and Comments: _____

Follow-up Actions: _____

Distribution: DDO Program Manager
RC&ESHO Manager
Quality Manager
Project Records (in duplicate)

Others: