

April 18, 1997

Hugh Blythe, Manager
Health Safety and Environment
B.P. Chemicals
Lima, OH 45802

SUBJECT: REVIEW OF CONTESTED NOTICE OF VIOLATION DATED MARCH 5, 1997

Dear Mr. Blythe:

This acknowledges receipt of your letter dated March 24, 1997, in response to our letter dated March 5, 1997, transmitting a Notice of Violation (Notice). Your letter contests the violation cited in the subject Notice.

This matter was independently reviewed by a senior member of my staff. Based on our review of the information provided in your letter and examination of relevant documents in your NRC License file, we have concluded that the violation is valid as stated. Our basis for this determination is provided below.

In your response, you take issue with the inspectors' application of License Condition 18, which states, "(t)he Radiological Control Function shall conduct a daily inspection of all decontamination areas while the decontamination activities are being conducted. Findings of potential or actual license violations shall be communicated within 8 hours to the Contractor's Site Supervisor and Radiological Control Supervisor. Records of the findings and corrective actions taken shall be kept until the license is terminated." The Notice was issued because your Radiation Safety Officer did not conduct the required daily inspections. Your response indicated that you believed contractor personnel were authorized to fulfill that duty; however, in B.P. Chemicals' November 19, 1991, response to deficiencies identified by the NRC in your Health and Safety Plan, which specifically addressed implementation of License Condition 18, B.P. Chemicals committed to "(a)t least once per day, BP Chemical's (sic) Radiation Safety Officer will inspect the site for compliance with the requirements of this plan and the Health and Safety Plan submitted by the contractor." The commitment also included a list of items to be reviewed during those inspections. Therefore, it appears that your intent, at least since November 19, 1991, was for your Radiation Safety Officer to conduct the required daily inspections in order to fulfill the requirements in Condition 18.

Your response also indicated that previous NRC inspections had not questioned the use of contractors to perform daily inspections for your Radiation Safety Officer. Based on our review of previous inspection reports, we are unable to speak to what was, or was not, reviewed with regard to this issue during previous inspections. NRC inspections are not intended to review 100 percent of a licensee's radiation safety program, only the ability of a licensee to effectively manage said program. Thus, you should not interpret our silence with regard to a specific issue as constituting acceptance or approval.

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Your response indicated that, although you disagreed with the Notice, you had submitted an amendment request to the NRC clarifying how you intend to implement the requirements of Condition 18 of your license, the subject of the Notice. We wish to remind you that provisions contained in requests for amendment to an NRC license are not authorized until the NRC grants its approval. Your Radiation Safety Officer is required, in accordance with Condition 18 of your license, to conduct daily inspections of decommissioning activities, until such time as your amendment request is granted. It is our understanding that you are currently in compliance with said license condition. If your understanding differs from ours, please contact Mr. Bruce Jorgenson, of my staff, at (630) 829-9615.

In addition to contesting the Notice of Violation, your letter stated disagreement with our characterization of some issues we identified as "concerns," and you provided your perspective on these matters. We appreciate your point of view and the attention evidenced in your detailed written comments. As discussed in a phone conference between Mr. William Rupert of your staff and Mr. Bruce Jorgensen of my staff on April 17, 1997, these are subjective matters which we raised in a precautionary manner. Because planned activities of increasing scope and complexity will begin this Spring, we believe closer technical and managerial monitoring will be needed. We plan to do additional inspection as the level of work increases.

We consider this matter closed. We appreciate your comments and will gladly discuss any other questions you may have.

Sincerely,
Original Signed by
Roy J. Caniano, Acting Director
Division of Nuclear Materials Safety

License No. SUB-908
Docket No. 040-07604





cc: R. Vandegrift, ODPH

bcc: J. Hickey, NMSS
L. Bell, NMSS
S. Nalluswami, NMSS

bcc w/ltr dated 3/24/97: PUBLIC (IE 07)

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OFFICE	RIII	 RIII	 RIII	 RIII	 RIII
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DATE	04/17/97	04/17/97	04/17/97	04/17/97	

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BP CHEMICALS

BP Chemicals Inc.
Ft. Amanda Road
P.O. Box 628
Lima, Ohio 45802-0628
(419) 226-1200

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington DC 20555

March 24, 1997

Reference: License No. SUB-908
Docket No. 040-07604

Subject: Reply to a Notice of Violation dated March 5, 1997

Gentlemen:

Pursuant to the provisions of 10 CFR 2.201, BP Chemicals, Inc. (BPCI) submits this letter in response to the Notice of Violation (NOV) transmitted by Roy J. Caniano, NRC Region III, to Mr. Hugh Blythe, BPCI dated March 5, 1997. This letter provides the information requested in the subject NOV. This letter also responds to five (5) concerns identified by NRC as the result of recent inspections.

NRC Region III personnel (E.L. Kulzer and G.M. McCann) visited the BPCI facility in Lima, Ohio on December 13, 1996 to begin their routine inspection. Following their visit, NRC made one request for supplemental information through a fax sent to BPCI on December 19, 1996. The fax was mishandled by BPCI because it lacked any transmittal letter or other readily apparent means of identification. As a consequence, BPCI was unable to provide a written response prior to January 30, 1997 when the same NRC Region III personnel returned to BPCI to continue and conclude their inspection. The second visit wrapped up on January 31. Subsequently, two additional requests for information were received, and were responded to in a timely fashion by letters from BPCI dated February 11, 1997 and February 14, 1997. Finally, on March 5, 1997 the inspection report and notice of violation were issued by NRC.

The March 5 letter from NRC cited BPCI for one Severity Level IV violation. The same letter also noted five concerns which did not result in violations. BPCI herewith responds to the reported violation and concerns, and proposes a corrective action to return BPCI to compliance.

VIOLATION

Condition 18, of License No. SUB-0908, Amendment 10, dated December 10, 1996, states that, "The Radiological Control Function shall conduct a daily inspection of all decommissioning areas while the decontamination activities are being conducted."

Contrary to the above, decontamination of equipment used in contaminated areas, radiological sampling, and other decommissioning activities were performed at various times throughout 1995 and until August 1996, and the required daily inspections were not performed during these activities. Further, daily inspections performed since August 1996 were conducted by contractor QA/QC staff, not by the Radiological Control Function.

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BPCI Response:

1. BPCI contests the subject violation for the following reasons:

~~BPCI~~ has conducted daily inspections using qualified contractor radiological personnel (not QA/QC personnel as stated by NRC in the NOV). The use of qualified contractor radiological personnel is allowed by Condition 18 despite the interpretation to the contrary by NRC Regional Office staff during their recent inspection. Therefore, the finding of the NRC is erroneous and a Severity Level IV violation is not warranted.

~~NRC is in error in stating that daily inspections were not conducted every day while decommissioning activities were taking place throughout 1995 and until August 1996. BPCI utilized qualified contractor radiological personnel to conduct daily inspections on every calendar date within the subject time frame, including weekends and holidays, and regardless of whether or not decommissioning activities were taking place.~~

The recent interpretation of the NRC that Condition 18 that daily inspection must be conducted by BPCI personnel is also incorrect. According to the NRC inspectors who authored the NOV, the term *Radiological Control Function* in Condition 18 refers strictly to the BPCI Radiation Safety Officer (RSO). BPCI has revisited the origin of the term and the context in which the term was first used by NRC. ~~The term Radiological Control Function was introduced in Amendment 2 to BPCI's license, dated May 22, 1987. The term was used by A.L. Soong of NRC in his Safety Evaluation Report (SER) written for Amendment 2. A copy of the subject SER is attached for your information (Attachment A).~~

There were two purposes for issuing Amendment 2. One purpose was to extend the license expiration date. The other purpose was to conditionally approve an October 1, 1986 Decommissioning Plan submitted by BPCI for the decontamination and decommissioning of its Lima Catalyst Plant. Mr. Soong authored and incorporated in Amendment 2 seven (7) new conditions (Conditions 14 through 20) to specifically address concerns he had regarding BPCI's October 1, 1986 Decommissioning Plan.

In his May 22, 1987 SER, Mr. Soong specifically discussed his reason for writing Condition 18. He referenced the Decommissioning Plan's radiological surveillance program and cited that it was deficient in that it did not require daily inspections. According to Mr. Soong's report, his concern was that the surveillance should be "daily" to ensure compliance with radiation protection requirements. ~~The plan which Mr. Soong reviewed called for the entire surveillance program to be performed by a radiation control contractor who would report to the BPCI RSO.~~ Mr. Soong made no mention that inspections should be conducted by the BPCI RSO instead of the contractor as proposed by BPCI in the Decommissioning Plan. Mr. Soong could have stated that all inspections were to be performed by BPCI's RSO. Instead Mr. Soong's chose to require the *Radiological Control Function* to conduct the inspection. It is BPCI's interpretation that in so doing, ~~Mr. Soong was referring generically to the contractor's radiological control organization as described in the Decommissioning Plan.~~

Since issuance of Amendment 2, BPCI has consistently utilized the services of qualified contractor radiological personnel to conduct daily inspections for the BPCI RSO. Over that period of time, BPCI has been inspected by NRC on several occasions. During those NRC inspections the use of contractors to perform daily inspections for the BPCI RSO has not

been questioned. It seems inappropriate for NRC to reverse its position after ten years of acceptance and to do so in such an extreme fashion as by the issuance of a NOV. BPCI believes that the NRC's basis for the alleged violation is erroneous and that a Severity Level IV violation is not warranted.

2. Corrective steps taken and results achieved:

BPCI agreed with the comments received from the NRC Region III inspectors during their recent inspection that Condition 18 needed to be revised to address the use of the term *Radiological Control Function*. BPCI has rewritten Condition 18 to eliminate the use of the term. ~~A license amendment application has been submitted to Mr. John Hickey of NRC Headquarters requesting that the revised wording replace the existing wording of Condition 18 in BPCI's license. Attachment B is a copy of the letter application submitted on March 24, 1997. The proposed change in Condition 18 clarifies the responsibility of the BPCI RSO as being accountable for ensuring that daily inspections are conducted. The proposed revision allows the BPCI RSO to delegate inspections to qualified contractor radiological personnel but holds him accountable for the work.~~

Corrective steps that will be taken to avoid future violations:

In addition to amending Condition 18, BPCI proposes to ~~undertake a review of all other license conditions.~~ As previously stated, this review will be conducted ~~in conjunction with preparation of BPCI's license renewal application.~~ Since the license expires on May 31, 1997, this review will be completed and an application submitted on or before the end of April, 1997. Any proposed revisions to license conditions other than Condition 18 will accompany the renewal application.

Date when full compliance will be achieved:

BPCI believes that no violation has occurred and that we are therefore currently in full compliance. Nevertheless, BPCI has submitted a request for a license amendment to change the wording of Condition 18.

BPCI would also like to comment on five (5) concerns raised by the NRC personnel in their inspection report, Report No. 920-07504 / 96001 (DNMS).

CONCERN NUMBER 1:

the licensee's decommissioning records were not readily available.

BPCI Response:

There is no basis for this concern. Records of the current contractor (Sevenson Environmental Services, Inc.) were on file in the office of the BPCI project manager or in the field office of the contractor. Although there may have been occasional short delays in retrieving the requested records, such delays were due to logistics or to the availability of BPCI or Sevenson personnel to assist the NRC inspectors. All requested Sevenson records were available onsite and accessible.

Records for the previous contractor (Halliburton) who demobilized and left the site in September, 1996 were organized in file storage boxes located in a conference room adjacent to the office provided to the NRC personnel during their inspection. To facilitate the retrieval of requested these records, Paul Johnson of B Koh & Associates who assisted Halliburton personnel during the archiving process was present during the inspection. All archived records were organized and indexed to assure prompt retrieval. No systematic problems were encountered in retrieving the requested records.

CONCERN NUMBER 2

The licensee's Radiation Safety Officer (RSO) and Project Manager (PM) had limited knowledge regarding the radiological safety principles and practices necessary for oversight of a remediation project of the scope being conducted at BP Chemicals. In addition, the contractors site and corporate RSOs, while generally well qualified, lacked specific training or experience with uranium contamination. (Section 2.2.A)

BPCI Response:

BPCI no longer uses licensed material at its Lima facility. The last use of licensed material was in 1971. Since then, the facility's only involvement with licensed material is in the decommissioning of the site. This decommissioning has occurred and continues to occur in stages with prolonged lapses of time between stages, due in part to delays in securing regulatory approvals. Given this scenario, it has not been justifiable to maintain a staff with specific expertise in decommissioning. The BPCI RSO has undergone more than the minimum training expected by NRC and has previously been reviewed and approved by NRC prior to being listed the BPCI license.

The other duties of the BPCI RSO, including Plant Safety Department Supervisor, and his limited experience specific to decommissioning work were addressed by BPCI several years ago when decommissioning activities were initiated. BPCI has provided our RSO with outside Health Physicist support during past and current decommissioning activities. In the past BPCI has engaged the services of Nuclear Energy Systems, Hilbert & Associates and Dames & Moore in this role. For the current pond closure project we have chosen B. Koh & Associates to support our RSO. We believe that this use of outside expertise to support the BPCI RSO is an effective use of resources and provides supplemental knowledge and experience to assure that all work is conducted per the requirements of the BPCI Radiological Control Plan.

Regarding the BPCI project manager, it should be pointed out that the current project work involves mixed waste and not strictly low-level radioactive waste. The BPCI project manager therefore requires a working knowledge of radiological control issues and NRC rules and regulations and also equivalent understanding of RCRA and EPA rules and regulations. BPCI believes that the current project manager possesses a good working knowledge in both areas and is well qualified to manage the subject decommissioning project which he has been working on full time since 1991.

The current project manager is a registered professional engineer with 25 years experience in environmental engineering including six years as an employee of Ohio EPA. As a member of BPCI's environmental staff, he has been directly responsible for all of the licensee's work related to decommissioning since 1991. Included in this work has been

overseeing the preparation of all project documents including license amendment applications, decommissioning plans, health and safety plans, radiological control plans and safety analysis reports. He was directly responsible for the preparation of License Amendment 9 which authorized onsite disposal of mixed wastes. The expertise of the current project manager is recognized by NRC Headquarters staff to the extent that he has participated as a guest speaker at past NRC sponsored SDMP Workshops. BPCI is confident that the current project manager is well qualified in terms of possessing a good working knowledge of the regulatory requirements and health and safety requirements for the job. BPCI requires that our project manager understands the project requirements to the extent necessary to bring the right resources to bear in completing the project. We believe that the current project manager's knowledge exceeds this requirement and that he has assembled well qualified outside resources in B. Koh & Associates, Dames & Moore and Severson Environmental Services, Inc. to complete the project to NRC and EPA requirements.

Regarding the contractor's site and corporate RSOs, BPCI recognizes that the individuals may not have significant experience in working with uranium contamination. Their experience is in working with more dangerous and/or more highly radioactive radionuclides at other sites. BPCI believes that much of the same fundamental health physics expertise is applicable in any decommissioning application. Further, the work of contractor radiological personnel is overseen by the staff of B. Koh & Associates which does have experience with other uranium cleanup sites such as Chemetron.

CONCERN NUMBER 3

The licensee has made use of a health physics consultant to provide assistance to the PM and RSO for this project, but this assistance has not be provided on a routine basis. (Section 2.2.A)

BPCI Response:

To date, the pond closure project has not been routine and therefore has not been amenable to routine support by our project health physicist. BPCI's project manager is currently using B. Koh & Associates to provide health physicist support for the project. During much of 1995 and 1996 there was little activity on the project and little support was required. On the May 8, 1996, NRC approved the license amendment and BPCI began the process of putting its team together to begin the project. When Severson Environmental Services was awarded the general contract in September, 1996, the involvement of B. Koh & Associates intensified. Since then, B. Koh & Associates has performed a series of audits of the contractor including an audit of Severson's onsite radiological laboratory. B. Koh & Associates has also updated the Health & Safety Plan, the Radiological Control Plan and has worked with the BPCI RSO and Severson to assist in revising over thirty of Severson's radiological control procedures to conform with the requirements of BPCI's procedures. B. Koh & Associates has also reviewed the Severson's radiation safety training program and has overseen its revision to meet the site-specific requirements of BPCI. B. Koh also worked with the outgoing contractor (Halliburton) even as Severson was mobilizing to properly archive project historical documents. Therefore, since September, 1996, the involvement of our health physicist, B. Koh & Associates, has been virtually full time to meet the needs of BPCI.

CONCERN NUMBER 4

When the consultant audited licensee and contractor activities as part of a records-retrieval and organizing effort (performed between NRC site inspection visits) deviations from commitments made to the NRC were identified. (Section 2.2.D and 2.2.E.)

BPCI Response:

BPCI's consultant did not audit the licensee between recent NRC visits. Following NRC's first visit in December 13, 1996, NRC sent a fax request for additional information to BPCI on December 19, 1996. This fax was lost at BPCI until it was found on January 8, 1997 after a telephone call from NRC alerted BPCI that it had been sent. The fax had been mishandled by BPCI because it lacked any transmittal letter or other readily apparent means of identification, thus causing the delay. When the fax was found it was immediately reviewed jointly by the BPCI project manager and by personnel of B. Koh & Associates.

Upon review, the fax was found to be vague in that it requested that BPCI furnish NRC with "decommissioning records." There was no explanation of what specific records were being sought or for what time period. Initial attempts to obtain a clarification of the NRC request were unsuccessful due to the fact that the NRC contact was not reachable by telephone for a several day period. Due to other commitments, the BPCI project manager was forced to delegate to B. Koh & Associates the responsibility of contacting NRC to discuss the fax. Acting on the BPCI project manager's request, Paul Johnson of B. Koh & Associates was finally able to contact NRC to determine what information was being requested. He then visited BPCI to assemble the requested information for submission. This activity did not constitute an audit. Before the response could be submitted to NRC, a second NRC visit was scheduled. During the second visit, NRC was provided with all requested decommissioning records.

Regarding NRC's review of the documents, BPCI agrees with NRC's assessment to the extent that not all items listed in the Form F were addressed. During the period of 1995 through August 1996, minimal decommissioning activities were performed. Since there was little activity, not all items listed in Form F were deemed applicable by the Halliburton personnel conducting the inspections. Even with minimal decommissioning activities being performed, daily inspections were conducted every day, including weekends and holidays. These daily inspections included barriers, postings and observing the integrity of the berms surrounding the ponds. Other items such as dosimetry and personnel protective equipment being properly worn or used were deemed as being not applicable in the absence of decommissioning activities.

BPCI also agrees with the observation that not all Radiation Work Permits were properly signed by the contractor's health physicist or RSO. Specifically, in April and May of 1995, two Radiation Work Permits were either unsigned by the contractor or signed by an unapproved contractor representative. This problem was corrected for the June, 1995 Radiation Work Permit and has not recurred.

CONCERN NUMBER 5

The licensee's records of direct radiological surveys lacked specificity regarding precise radiological levels measured, the efficiency of the instruments for the radiation measured, the radiological background values, etc. (Section 3.2)

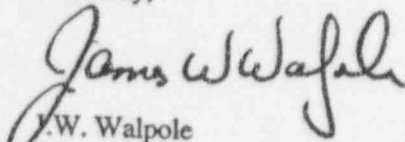
BPCI Response:

BPCI agrees with NRC regarding this matter. During its most recent visit, NRC discussed with BPCI and Severson current practices concerning the documentation of direct contamination survey results. The following changes were agreed to: (a) the term "less than" will not be used on direct measurement survey documentation; (b) the background readings where the survey is performed will be noted on the form; and (c) all direct measurements will be normalized for correlation to dpm per 100 cm². The subject changes have already been addressed by revising Severson's Radiological Control Procedure 10 - Radiological Surveys. A copy of the revised procedure incorporating the changes is attached as Attachment C. The revised language can be found in Sections 4.3.4.2 (a) and (b) of the procedure.

In Summary, BPCI appreciates the opportunity to respond and comment on the Notice of Violation (NOV) and five other concerns contained in NRC's March 5, 1997 NOV letter. BPCI has reviewed the NOV and has revisited the historical documents concerning the origination of License Condition 18. BPCI concludes that it has operated and continues to operate in accordance with Condition 18. BPCI therefore contests the NOV. BPCI also disagrees with NRC's observations and conclusions regarding the majority of the five concerns included in the March 5, 1997 NOV.

To address the NOV, BPCI has taken measures to correct the language in existing Condition 18 and has submitted a license amendment application containing the proposed revision to Mr. John Hickey of NRC Headquarters. A copy of the application is attached. BPCI is available to discuss the NOV letter and the BPCI response with NRC. If you have any questions, please give me a call at (419) 226-1201 or contact either Hugh Blythe at (419) 226-1297 or William Rupert at (419) 226-1299.

Sincerely,


J.W. Walpole
Plant Manager

cc: Regional Administrator, U.S. NRC Region III
Sam Nalluswami, U.S. NRC Headquarters
Ruth Vandegrift, Ohio Department of Health
Jim Ottarson, Ohio EPA
Barry Koh, B. Koh & Associates

Attachment A

NRC Transmittal Letter
and Safety Evaluation Report
dated May 22, 1987



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

RECEIVED BY

MAY 28 1987

R. A. SUDHEIMER

MAY 22 1987

FCUF:ALS
Docket 40-7604
SUB-908, Amendment 2

Vistron Corporation
ATTN: Mr. R. A. Sudheimer
Fort Amanda Road
P. O. Box 628
Lima, Ohio 45802

Gentlemen:

In accordance with your letters dated February 3, 1982, and October 1, 1986, and pursuant to Title 10, Code of Federal Regulations, Part 40, Materials License No. SUB-908 is amended to revise the expiration date and to incorporate the Decontamination Plan into the license. Accordingly, Condition 4 is revised to read:

Expiration Date: May 31, 1992.

Approval of the Plan is subject to the following conditions:

14. Within 90 days of the date of this amendment, the licensee shall submit a schedule for completion of the decontamination operation at the SOCC/Vistron facility in Lima, Ohio, as described in the Decontamination Plan of October 1, 1986.
15. Release of facilities and equipment to unrestricted use shall be in accordance with the enclosed Annex, "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," May 1987. Records of decontamination surveys and disposition of equipment and material shall be maintained until the license is terminated.
16. If the decontamination operation requires removal of contaminated residues from the waste retention ponds, the ponds shall not be backfilled until such confirmatory surveys as deemed necessary by the NRC are performed.
17. The Radiological Control Supervisor or Radiological Control Technician shall be onsite when decontamination activities are being conducted.

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18. The Radiological Control Function shall conduct a daily inspection of all decontamination areas while the decontamination activities are being conducted. Findings of potential or actual license violations shall be communicated within 8 hours to the Contract's Site Supervisor and Radiological Control Supervisor. Records of the findings and corrective actions taken shall be kept until the license is terminated.

19. The licensee shall not allow an individual whose skin is found contaminated above background radiation levels to exit the controlled area without prior approval of the Radiological Control Function.

20. The minimum calibration frequency for radiation survey instruments shall be at intervals not to exceed 7 months or after each repair, whichever is earlier.

All other conditions of this license shall remain the same.

We have extended the expiration date of your license for a 5-year period to provide time for completion of the decontamination operation. License Condition No. 14 requires Vistron to submit a schedule for completion of decontamination within this time period. These license conditions were discussed and agreed upon with your Mr. Raymond Sudheimer in our meeting on May 20, 1987. Also, please note that nothing in this license relieves Vistron from complying with other applicable Federal, State, and local regulations governing any other toxic or hazardous property of the material authorized under this license.

Enclosed is a copy of the Safety Evaluation Report.

FOR THE NUCLEAR REGULATORY COMMISSION

George H. Bidinger
George H. Bidinger
Uranium Fuel Section
Fuel Cycle Safety Branch
Division of Fuel Cycle, Medical,
Academic, and Commercial Use Safety

Enclosures:

1. Annex
2. Safety Evaluation Report



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 22 1987

FCUF:ALS

DOCKET NO: 40-7604

LICENSE NO: SUB-908

APPLICANT: Vistron Corporation

FACILITY: Lima, Ohio

SUBJECT: SAFETY EVALUATION REPORT, LICENSE AMENDMENT APPLICATION DATED
OCTOBER 1, 1986, RE DECONTAMINATION PLAN

I. Background

The Vistron Corporation, a subsidiary of Standard Oil Chemical Company, was authorized by License No. SUB-908 to produce and use catalyst containing small amounts of depleted uranium (U_3O_8). Following the cessation of catalyst production in 1971, the licensee started the cleanup work for termination of the license. In June 1980, the licensee submitted radiological survey results for the facility to support a request to terminate the license. However, a 1982 confirmatory radiological survey by Oak Ridge Associated Universities (ORAU) identified several buildings and ponds that did not meet the NRC release criteria. Following discussion with the staff, the licensee, by letter dated October 1, 1986, submitted a decontamination plan for the Vistron Facility.

By letter dated February 3, 1982, the licensee requested that the expiration date of Materials License No. SUB-908 be extended until they could meet the requirements for terminating the license.

II. Discussion

License Expiration Date

The request for license extension was acknowledged by the Commission on February 22, 1982. The staff has determined that the license expiration date should be extended for a 5-year period to provide the licensee time to decontaminate the facility. Accordingly, Condition 4 (expiration date) of the license will be amended to read:

Expiration date: May 31, 1992.

The action was discussed and agreed upon with the licensee on May 6, 1987.

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Decontamination Plan

The licensee's Decontamination Plan (Plan) is composed of three main parts:

1. A quality assurance program which defines the administrative structure for the decontamination program, program responsibilities, policies, record control, audit program, and radiological safety requirements and limits.
2. Radiological controls and safety practice procedures for the radiation protection program, including a training program, personnel radiation protection, radiological surveillance procedures, instrument calibration, surface and airborne contamination monitoring, and radioactive waste management.
3. Work packages for specified contaminated areas that need additional decontamination which provide specific instructions for cleanup of the designated areas.

Although the staff finds the Plan generally acceptable, it has the following deficiencies:

1. No time schedule is provided for conducting the decontamination activities. Therefore, the staff recommends the following license condition which requires the licensee to submit a schedule for completion of the decontamination operation:

Within 90 days of the date of this amendment, the licensee shall submit a schedule for completion of the decontamination operation at the SOCC/Vistron facility in Lima, Ohio, as described in the Decontamination Plan of October 1, 1986.

2. No commitment to NRC guidelines for decontamination of the facilities and equipment. Accordingly, the following condition is recommended:

Release of facilities and equipment to unrestricted use shall be in accordance with the enclosed Annex, "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," May 1987. Records of decontamination surveys and disposition of equipment and material shall be maintained until the license is terminated.

3. Several areas of the retention ponds have contamination levels above the release criteria; the extraction of soil from the effected areas will be necessary. The Plan does not provide for a confirmatory NRC survey prior to the backfill. Accordingly, the staff recommends the following license condition:

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Vistron Corporation, SER

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If the decontamination operation requires removal of contaminated residues from the waste retention ponds, the ponds shall not be backfilled until such confirmatory surveys as deemed necessary by the NRC are performed.

4. The Plan does not commit to having radiation protection staff onsite to provide radiation protection services during decontamination operations. Accordingly, the staff recommends the following license condition:

The Radiological Control Supervisor or Radiological Control Technician shall be onsite when decontamination activities are being conducted.

contractor
personnel

5. The Plan's radiological surveillance program does not include:

- A daily inspection of the decontamination areas to ensure compliance with radiation protection requirements.
- A requirement which does not permit a contaminated individual to exit the controlled area, without approval by the radiation safety personnel.
- A commitment to calibrate the survey instruments every 6 months.

Accordingly, the staff recommends the following license conditions:

The Radiological Control Function shall conduct a daily inspection of all decontamination areas while the decontamination activities are being conducted. Findings of potential or actual license violations shall be communicated within 8 hours to the Contractor's Site Supervisor and Radiological Control Supervisor. Records of the findings and corrective actions taken shall be kept until the license is terminated.

The licensee shall not allow an individual whose skin is found contaminated above background radiation levels to exit the controlled area without prior approval of the Radiological Control Function.

The minimum calibration frequency for radiation survey instruments shall be at intervals not to exceed 7 months or after each repair, whichever is earlier.

III. Regional Comments

The licensee's application was discussed with John Madera of Region III on April 20, and May 7, 1987. He foresees no safety-related problem with the issuance of this license amendment.

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IV. Conclusion/Recommendation

Based on the discussion above, the staff concludes that extending the expiration date of the license and approving the licensee's Decontamination Plan, as conditioned, will not present an undue risk to the health and safety of the workers or the public. Accordingly, issuance of this amendment, as conditioned, is recommended.

A. L. Soong

A. L. Soong
Uranium Fuel Section
Fuel Cycle Safety Branch
Division of Fuel Cycle, Medical,
Academic, and Commercial Use Safety

Approved by: *George Bidinger*
George Bidinger
Uranium Fuel Section

Attachment B

Application for License Amendment
to Revised Condition 18
dated March 24, 1997



BP CHEMICALS

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U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
North Bethesda, MD 20852

March 24, 1997

Reference: Docket No. 040-07604
License No. SUB-0908

Subject: License Amendment to Revise Condition 18

Dear Sir:

In response to the NRC Region III, Notice of Violation, from Mr. Roy Caniano to Mr. Hugh Blythe dated March 5, 1997, BP Chemicals, Inc. (BPCI) requests Condition 18 of the subject license be modified to reflect current BPCI radiological control management oversight functions and activities. Although BPCI contests the subject violation, BPCI does acknowledge that the current wording of the condition is unclear and warrants revision.

The current version of Condition 18 refers to a *Radiological Control Function* who shall conduct a daily inspection of all decommissioning areas while the decontamination activities are being conducted. This terminology was put into BPCI's license in Amendment 2, issued by NRC on May 22, 1987. The meaning of *Radiological Control Function* is currently being interpreted differently by BPCI and NRC Region III. BPCI interprets the term to include its decommissioning contractor's radiological control organization as described in the October 1, 1986 Decommissioning Plan. NRC has recently interpreted the term to mean the BPCI Radiation Safety Officer. NRC's recent interpretation has resulted in BPCI receiving a Severity Level IV violation.

BPCI has not used licensed material at its Lima facility since 1971. Since then, the facility's only involvement with licensed material is in the decommissioning of the site. This decommissioning has occurred and continues to occur in stages with prolonged lapses of time between stages, due in part to delays in securing regulatory approvals. Given this scenario, it has not been justifiable to maintain a staff with specific expertise in decommissioning. The BPCI Radiation Safety Officer is competent to conduct daily inspections but has delegated that duty to outside radiological control contractors because of his other duties as plant safety supervisor. Without additional BPCI staff, it will continue to be necessary for the BPCI Radiation Safety Officer to utilize the services of outside radiological control contractors to perform these daily inspections whenever decommissioning activities are in progress.

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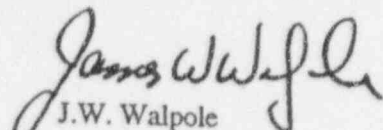
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Therefore, BPCI proposes to eliminate the term *Radiological Control Function* and clarify the responsibility of the BPCI Radiation Safety Officer by revising License Condition 18 to read as follows:

The licensee's radiation safety officer shall be responsible for conducting daily inspections of decommissioning areas while decontamination activities are being conducted. The licensee's radiation safety officer may delegate the actual inspection activity to a qualified radiological control contractor selected by the licensee. The radiological control contractor shall follow all requirements of the licensee's radiological control plan in conducting his inspections, and shall report the results of each inspection to the licensee's radiation safety officer. If the licensee utilizes a radiological control contractor to perform inspections, the licensee's radiation safety officer shall conduct audits of the radiological control contractor to assure compliance with the licensee's radiological control plan.

It is requested that BPCI's License No. SUB-908 be amended to revise Condition 18 as described. If you have any questions, please contact Mr. Hugh Blythe at (419) 226-1297 or Mr. William Rupert at (419) 226-1299.

Sincerely,


J.W. Walpole
Plant Manager

cc: Regional Administrator, U.S. NRC Region III
Sam Nalluswami, U.S. NRC Headquarters
Ruth Vandegrift, Ohio Department of Health
Jim Ottarson, Ohio EPA
Barry Koh, B. Koh & Associates

Attachment C

Sevenson Environmental Services, Inc.
Procedure 10 - Radiological Surveys
(Revised)

RADIOLOGICAL SURVEYS

1.0 PURPOSE

The purpose of this procedure is to establish guidelines and requirements for the performance of radiological surveys, and provide requirements for the documentation of radiological surveys during remediation. Radiological surveys are conducted on both a routine and non-routine basis for verification and documentation of radiation and contamination levels for use in the control of personnel exposure.

2.0 APPLICABILITY/SCOPE

This procedure is applicable to all SES Radiation Safety Personnel.

3.0 DEFINITIONS

- 3.1 Radiological surveys as used in this procedure are radiation dose-rate, contamination and airborne radioactivity surveys performed by Radiation Safety Technicians.

4.0 PROCEDURE

4.1 Discussion

- 4.1.1 In addition to performing the radiological survey, Radiation Safety Technicians will evaluate radiological survey data to establish the posting and PPE conditions for the area being surveyed.

- 4.1.2 Specific radiological survey techniques are presented in the applicable Ref. 6.1, 6.2, and 6.3.

- 4.1.3. Radiological survey requirements for release of items for unrestricted use is presented in Ref. 6.4.

- 4.1.4 Personnel contamination survey requirements are presented in Ref. 6.5.

4.2 Precautions/Limitations

- 4.2.1 When documenting surveys care should be taken not to provide so much information crowded on a survey form that it loses its usefulness.

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4.3 Documentation

- 4.3.1 All survey documentation shall be accurately and legibly completed.
- 4.3.2 Survey data must contain enough detail to provide personnel with adequate information concerning radiological conditions existing within the area surveyed.
- 4.3.3 Any alteration or change to survey records, (either existing or being generated), shall be made neatly by drawing a single line through the incorrect entry and recording the correction/alteration adjacent to the incorrect entry. Correction fluids or other correction media/techniques which obliterate the original entry are not acceptable. The original entry must remain legible. The person making the change shall initial and date the correction. Only the person making the error can change or alter the survey data. Administrative information errors not involving survey results may be changed by the Radiation Safety Officer or his designee.

4.3.4 Radiological surveys shall be recorded on appropriate forms as follows:

4.3.4.1 Cover Sheet (Attachment 7.1)

The technician performing the survey shall print and sign their name with the time and date of survey, the counting instrument model, serial number, calibration due dates, efficiency, background (cpm), beta correction factor (if applicable). The purpose of the survey must be documented and recorded. Each survey shall be provided with a unique identification number.

4.3.4.2 Radiation/Contamination Survey Form (Attachment 7.2) Continuation Sheet (Attachment 7.3) Special Radiological Survey Form (Attachment 7.4)

Radiation readings shall be recorded either directly on the appropriate survey map(s) or using the associated space for each survey point recorded.

1. Record radiation readings on Attachment 7.2/7.3 as follows:

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- a. Locations of all contact readings and associated radiation levels must be annotated on the survey maps. Items surveyed must be clearly identified on the map.
 - b. Mark beta readings with "B" suffix (e.g., 10B)
 - c. Area readings are numbers only (e.g., 10)
 - d. If distance of radiation reading is needed i.e., 3 feet from contact, indicate this on the survey map.
2. Record the contamination readings on Attachments 7.1/7.2/7.3 as follows:
 - a. Sequentially number the locations where the contamination measurements are taken. Mark them on the map (if included) with a circle. Record the contamination levels after counting on the record form. Results are in dpm/100 cm² unless otherwise noted. (i.e., large area wipes should be dpm/las).
 - b. Direct contamination measurements shall not be recorded as "less than".
 - c. When performing a direct radiation survey document the background reading where the survey is being performed.
 - d. When performing a direct radiation survey all measurements must be normalized to dpm/100 cm². This shall be accomplished by factoring for background, probe size and probe efficiency.
- 4.3.4.3 All airborne activity sample data shall be recorded in accordance with Ref. 6.3. Space is also provided on Survey Forms to document the results of airborne activity measurements performed in conjunction with surface contamination and/or radiation surveys.

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- 4.3.4.4 The Radiation/Contamination Survey Record Form may have pre-printed layouts showing equipment and/or areas.
- 4.3.5 The original copy of all survey records shall be maintained until disposition in accordance with applicable records retention procedures (Ref. 6.6). Copies of the most recent surveys shall be maintained by the Radiation Safety Officer.
- 4.3.6 The Radiation Safety Officer's signature and date must be recorded on all surveys to indicate his/her review for content, completeness and acceptance as an official survey document.
- 4.4 Survey Frequencies
 - 4.4.1 Routine and repetitive surveys are necessary to control the containment of radioactive materials within handling systems and to ensure the continued integrity of protective equipment and procedures.
 - 4.4.2 Will be determined by the Radiation Safety Officer depending on the nature and quantity of work being performed.
 - 4.4.3 Non-radiological areas should be surveyed periodically to ensure that radiation and radioactive material are adequately controlled.
 - 4.4.4 A survey status system shall be maintained in the Radiation Safety Office.
 - 4.4.5 The Radiation Safety Officer or designated Lead Technician shall ensure that the surveys are performed as scheduled. At the end of each shift, the schedule should be checked for completeness and status system updated upon completion of the required surveys.
 - 4.4.6 Any scheduled surveys not performed by the designated shift should be performed by the next shift.

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- 4.4.7 Consideration should be given to performing job specific surveys whenever operation or maintenance to be performed includes breaking the integrity of a radioactive system. This includes work on components which could present a radiological hazard to personnel or result in release of radioactive material. When possible, routine surveys should be performed in conjunction with job specific surveys for ALARA considerations.

5.0 RESPONSIBILITIES

Responsibilities are as stated in Section 4.0 of this procedure.

6.0 REFERENCES

- 6.1 SES-RSO-BP-11, Radiological Dose Rate Surveys
- 6.2 SES-RSO-BP-12, Surface Contamination Surveys
- 6.3 SES-RSO-BP-14, Air Sampling
- 6.4 SES-RSO-BP-19, Release of Material for Unrestricted Use
- 6.5 SES-RSO-BP-13, Personnel Contamination Monitoring and Decontamination
- 6.6 SES-RSO-BP-07, Records Retention

7.0 ATTACHMENTS

- 7.1 Radiation/Contamination Survey Cover Sheet
- 7.2 Radiation/Contamination Survey Record Form
- 7.3 Radiation/Contamination Survey Continuation Form
- 7.4 Special Radiological Survey Record Form