

**Radiological Control Coordinating Committee (RCCC)
Meeting Minutes
May 25-26, 1995
Las Vegas, Nevada**

I. Distribution of Draft Minutes

The RCCC meeting convened at 4 p.m. on Wednesday, May 25, 1995. Draft minutes of the April 18-19, 1995, meeting were distributed. The Committee decided to hold these until May 26, 1995, to discuss approval. **Attachment 1** is the list of attendees. A list of action items provided to the members on July 19, 1995, is **Attachment 2**.

The Action Item List from the April 18-19 meeting was reviewed for items that needed attention at this meeting.

II. Status Report of Radiation Protection Programs (RPP) and Exemptions

The Chair reported for EM-25 who was unable to attend due to a tight working deadline on the Rocky Flats Field Office RPP (See **Attachment 3**).

EM has signed and approved RPPs for West Valley and Fernald. The RPPs for INEL, BHI and WIPP were concurred on and are at EM-1. The RPPs for RFFO, Mound and SR are in concurrence. The Kansas City-Plant and Sandia National Laboratories RPPs are completed.

EM-25 requested the following four items:

(a) There be no 4 CSO signature requests for RPP approval.

(b) In the transmittal letter, please put the official date the RPP should be approved. Nevada asked if there is a difference between the date an RPP is received or the date an RPP is approved. DP-311 thought they were approved "automatically" after 180 days and that this is okay. The Chair stated it is the responsibility of the RCCC to make sure all RPPs are approved.

(c) EM-25 also requested a "drop dead" date be put on the transmittal letter for an RPP. "Drop dead" is the date when the 180-day clock expires.

(d) Indicate exemptions that are in the package in the transmittal letter. AL is using the RCCC's template, assigning each exemption to a CSO. For example, radon exemptions are handled by EM-25. Each type of exemption has an owner per the April 18-19, 1995 RCCC meeting discussions.

EM-1's RPP should be mailed to EM-25 to expedite mail delivery. EM-25 will handle the tracking system.

EH-3 asked if there is an "official" plan for the rejection of an RPP. CH said they have an RPP in which a rejection letter has to be issued for one NE item. The Chair said a rejection is not an extension of an implementation. CH will support the team effort and has plans to help provide whatever NE needs.

ER-8.2 reported there is an issue on the implementation process of the RPP from RL. There is an issue on the final draft of the CEBAF RPP. The Chair asked the Committee if anyone else had anything in the ER system. ITRI was mailed the day before the RCCC Meeting (May 24, 1995). OAK has sent RPPs to ER-8.2 and DP-1 (**See Attachment 4**).

NE-40 has received RPPs from ID, OH and Mound. The Chair said that SNL's RPP was sent for approval on May 18 and that the LANL RPP was at the Manager's office for signature (**See Attachment 5**).

DP-311 asked committee members to ensure transmittal letters stated any exemptions.

DP should currently have RPPs from the KC-Plant, SNL and Pantex. They also should be receiving the LANL RPP. AL reported that DP-1 received a courtesy copy of the Mound RPP. DP-311 stated there was a Memorandum of Understanding waiting to be signed. OH asked if there is a problem. The Chair stated DP is addressing the transition issue on the Mound RPP and has stated they do not need to approve the Mound RPP.

(ACTION ITEMS: AL to check on Pantex RPP to EH and also check on SNL's RPP to NE.)

Completion of Program Offices status on RPPs. The Field Offices then reported on their RPPs and Exemptions.

OHIO reported that Fernald Environmental Management Project (FEMP, #29 on EM-25's list) and the West Valley Demonstration project (#31) were approved.

The Mound Plant (#30) RPP is at NE and EM for approval. EH-52 and OH will work this issue. (**See Attachment 6**)

CHICAGO reported the following:

The Fermi National Accelerator Laboratory (#18) and the Notre Dame Radiation Laboratory (#20) RPPs are in the approval chain. Draft reports for the Ames Laboratory (#12) and the Argonne National Laboratory - East (#13) are to be ready May 30 or June 1.

Implementation of comments have not been received for the Brookhaven National Laboratory (#16) RPP. CH reports they are expected early the week of May 30-June 2, 1995. Exemptions of "Grave Danger" posting in medical areas, shielded blocks, and most restrictive DAC will be submitted by Brookhaven. ER-8.2 is working the most restrictive DAC, but hasn't solved it yet. CH is not convinced technically that they have to support the exemption. CH believes it is a worker communication issue. There is also a consistency issue with the way the NRC handles DAC calculations. EH-52 has looked at the Brookhaven exemption and will defer to the program/operations office. ER-8.2 will look into the shielded blocks and the medical items issues.

The Environmental Measurements Laboratory (EML, #17) RPP was not accepted. A first round of comments has been completed and they are winding down with the second round of comments. EML has 80 employees, one of which is the RPP contact. The RPP deadline is June

22. The Chair said the standard for the RPP process provides three weeks for CSO approval, which is a very tight timeframe.

NE had serious problems with the Brookhaven National Laboratory (#16) RPP. The RPP will be revised to show differences. NE is not sure what can be done. CH has talked with the Area Offices and hadn't heard of the problems NE stated. NE stated during two days of discussion at Brookhaven that the RPP comments would be revised. NE is not dealing with CH. CH said Brookhaven has the RPP in their hands.

(ACTION ITEM: The Chair asked CH for a copy of the Brookhaven RPP issues.

CH and NE will meet offline to discuss this issue further.)

CH asked when the 180-day clock starts again. If the RPP is rejected, is it 180 days from the "resubmission" of the RPP? The answer is yes, but the overall implementation must be completed by January 1, 1996.

The first RPRIMS RPP for the Ames Laboratory (#12) was returned to CH. The second time the RPP plus the RPRIMS were sent together, woven as a compliance plan. CH has to convince Ames their RPP is "both" and proceed for approval. CH said there is a glitch in the review process which needs to be worked through.

The Battelle Columbus Laboratories (#15) is regulated by the NRC and doesn't require an RPP.

Comment resolution was accepted for the New Brunswick Laboratory (#19) and the RPP is in the approval chain.

The review team is recommending rejection of the Argonne National Laboratory - West (ANL-West, #14) RPP. The issue is with the level of detail in the document evidence provided. The RadCon Manual was used. The general comment from CH was to specifically address issues. The reply from ANL-West was "non-responsive." The rejection notice serves to buy time for the parties to meet and get what is needed. NE stated the criteria used by ANL-West was dictated by CH. The Chair said a rejection should go up to the Manager's level. CH said they have concurrence from all review team members. NE then said they agree with the rejection of the ANL-West RPP. NE stated this was in writing. To move forward, CH used the ANL-East plan as a "road map" to show ANL-West how to go about getting RPP approval. The Chair asked what will be done if there is no acceptable plan? CH stated there is no doubt they will receive an acceptable plan.

Note: This issue was resolved before a rejection letter was needed and ANL-West upgraded the RPP.

(See Attachment 7)

Side issue: NV asked if there is a form/template for rejection notices. CH stated they come from line management, based on the review team's recommendation. EH-52 said there should be a coherent way of rejecting RPPs. What bothers EH-52 is the perceived standoff between CH and NE. The Chair said there is no time to write a procedure/process for rejection notices. EH-3 said the protocol was to write a memo to the Operations/Field Office Managers. Communication from the Operations/Field Office is then sent to the contracting officer's representative. The Chair said at least the Operations/Field Office Manager should sign the rejection letter. CH

wasn't sure if their Manager officially delegated authority to the Area Office to sign a rejection letter. RFFO stated when the plan for Quality at RFO was imposed (the 830 rule), the signature went out under the Contracting Officer (CO), but in this case you can't apply the same mechanism because it's not the same situation. OAK said the CO is the Operations Office Manager. EH-52 asked if this was a contracting issue and the Chair stated absolutely since 10 CFR 835 is the law.

EH-3 said there should be a mechanism for DOE to speak in one voice. It should be clear to contractors that DOE speaks in one voice, which would help avoid contractors "shopping around" for a person to sign off on any item. EH-3 said it should be intuitive, for example a memo from NE referencing a decision was made, based upon the review team report. DOE needs to communicate the magnitude of the decision to reject an RPP. The signature would show the seriousness or gravity of the situation. DP-311 said that approval/disapproval should come from the highest level. The Chair said they could use the same protocol for rejection as approval. In the rejection letter the CH Manager could recommend rejection followed by concurrence via the CSO's signature.

NE said that Ray Hunter has to concur before Terry Lash. Hunter will ask why the work is not completed. The Chair said the rejection has to be done in a formal way. EH-3 said the rejection seems tied up. Secretary O'Leary is trying to lower the level of approval. The Chair pointed out that the RPPs are legal issues where the delegation process can't be used unless formally documented. EH-3 wasn't sure if the RCCC can tell CH how to disapprove a plan. NV asked if the review team could send a letter directly to the contractor saying "disapproval." Then NV answered the question in the negative.

(ACTION ITEM: A teleconference will be held with CH, AL and EH-3 regarding this issue.)

Note: This was resolved without the need for the conference call.

NEVADA reported one RPP with 10 appendices which they are compiling for executive concurrence. Nevada requested from the Chair a copy of the RPP format and letter.

(ACTION ITEM: AL will send NV a copy of the RPP format and letter by May 27, 1995.)

Nevada reported it is possible that four of the 10 appendices may not be available by the June 28 RPP deadline and they may be required to send an incomplete package. DP-311 said they would work with NV "off-line." EM-25 should also be contacted to expedite resolution.

SAVANNAH RIVER has one RPP with no issues and two exemption requests. Westinghouse is expected to withdraw the two exemptions.

(See Attachment 8)

IDAHO has two RPPs, one approved, the other at EM-1.

The Committee decided to reconvene at 8 a.m. on May 26.

DAY TWO: May 26, 1995

II. (Cont.) Status Report of Radiation Protection Programs (RPP) and Exemptions

CH and NE-40 reached an agreement to get a draft copy of the Brookhaven (#16) RPP discussed May 25, 1995 and to resolve the issues. CH also reported the contractor sent a letter for the Argonne West RPP and that CH expects to see the revised RPP the week of June 1, 1995.

OAKLAND reported DP is satisfied with the Lawrence Berkeley RPP (#34) and ready to sign. NE is reviewing the RPP. EM comments on the response to the original comments from DP-LBL or LLNL need to be resolved before EM signs off. Oak reported some exemptions that were money issues were resolved. HQ will not provide funding.

The Livermore (#35) RPP has five exemption requests. OAK decided to submit all five exemption requests. The five exemption requests were 1) Danger; 2) color requirements for the danger sign; 3) testing for GERT; 4) records training; and 5) retraining. EH-3 stated the use of a temporary exemption was discussed. OAK said the funds would have to be spent to train everyone every two years and would require \$250,000 per year to implement. OAK's technical opinion was rejected by Livermore, but OAK tried to convince Livermore that other contractors spend the money on training. EH-52 said the employees have to be trained prior to occupational exposure and they need to GERT train everybody. OAK said that was a very conservative approach.

ER is prepared to sign off on the Berkeley RPP (#34). There are some EM comments to resolve.

The review process is complete for the Stanford Linear Accelerator Center RPP (#36). ER is prepared to sign off. Some ER comments were sent back and OAK has responded to those comments.

There is a money controversy concerning the Laboratory for Energy-Related Health Research (#33) RPP. OAK said the RPP should be ready for sign off when the \$2,000 issue is resolved.

The review process is completed for the Energy Technology Engineering Center RPP (#32) and is awaiting EM comments. The RPP due date is June 21. OAK said this is the same situation as the Argonne-West RPP if there is any rejection. The Chair asked if a contingency approval could be used should there be one "stand out" issue. OAK said in the guidelines contingent and/or approval is shown. The Chair asked if it was conditional. OAK said that would be the other option besides rejection. EH-52 said you can direct a change of an existing RPP. For example, when the condition conflicted with the rule. However, there would be no strong violation when the condition is correctly stated in the RPP. The Department of Energy (DOE) can direct change to an approved RPP. The Chair said those ideas need to be explored. OAK said they have seen EM comments for the Livermore RPP (#35) and DP seems satisfied after three site visits.

(See Attachment 9)

ROCKY FLATS reported the Rocky Flats Plant RPP (#47) was signed out on May 15. Approval was recommended, including the implementation plan. It is felt the RPP could be implemented by January 1, 1996. There are no exemptions and no requests to the scope of the RPP. All comment

resolutions have been sent to Headquarters. The RPP is site-specific and doesn't include the National Conversion Pilot Project (NCPP). EH-3 asked if anybody had talked to the integrating contractor scheduled to take over at RFFO on August 1995. RFFO said that the Kaiser-Hill transition team met about three issues from the site RPP and the RadCon Manual on May 2, 1995. The new contractor agreed to accept the site RPP as is. RFFO said the attorneys understand the commitment of the schedule, necessary funding, and getting the work done. RFFO has seen no "mechanism" as to how the process will work. EH-3 is concerned with the contractor's understanding of the commitment and importance of the RPP. RFFO said the new contractor will write the Implementation Plan. RFFO is not sure what the delivery of takeover is or what the form will be.

RFFO indicated that the NCPP is an EM process. It is separate from everything else and RFFO is not sure if an RPP is required. NCPP is not a contractor to DOE and has a memorandum of agreement. NCPP will follow the nuclear safety rules (820, 825 and 835) and other DOE orders. RFFO asked if this meant the NCPP follows the letter of the law, although it is technically a DOE activity, RFFO is not sure if the Rule 835 applies (i.e., Is an RPP required?). EH-3 said there is no interpretation of the statute. General Counsel has not rendered a decision if the NCPP is an indemnified entity. Also, EH-3 asked what contractual vehicle could be used. The NCPP is taking responsibility to clean the buildings. RFFO said there is a feedstock process, for producing storage boxes for waste disposal. Therefore anyone can bid on the set-up operation. A decision from General Counsel is needed. RFFO tried to schedule a meeting with EM-64 the week of May 10. RFFO suggested treating NCPP as an existing entity. Therefore, there could be a possible violation because there is no RPP for the NCPP. EH-3 suggested a way for the integrated contractor to take over on rule 835. RFFO said a draft RPP for NCPP was submitted twice. On May 3 a final RPP was submitted. There also was a letter to EH-1 asking for an overall exemption. A HQ senior review team came out and said approval on paper could work, but in action it wouldn't work. The senior review team said there has to be "reasonable assurance." The review team required more detail in order to complete the review. RFFO said the bottom line is that the NCPP program may be shut down because of a lack of progress. The Secretary said that it will succeed. The Chair suggested this RPP may lend itself to conditional approval. EH-3 said it is fair to say the integrated contractor has modest experience in this area. RFFO said they would look at the risk and approve the scope of the integrated contractor's work. RFFO would help the integrated contractor build the basic building blocks. As it currently stands, there is a request for an exemption which still has to be resolved.

(See Attachment 10)

RICHLAND reported the RPPs for Hanford Site - HEHF (#48), Hanford Site - PNL (#49), and Hanford Site - WHC (#50) were all sent for approval. An EM concern was resolved with a page change to be incorporated.

(ISSUE FOR CONSIDERATION: A process is needed for review of changes to an approved RPP when multiple CSO offices are needed to approve an RPP. The Chair asked this issue be tabled until the reports on the status of RPPs and exemptions are completed.)

(See Attachment 11)

YUCCA MOUNTAIN PROJECT RPP (#28) is a possible rejection. The Yucca Mountain Site Characterization Office (YMSCO) representative distributed **Attachment 12** which provided a monthly 10 CFR 835 YMSCO Implementation Status. The major issue was to consolidate

comments. Not all memoranda of understanding have specified who is responsible for implementation. There were meetings planned, but canceled between upper level M&Os. YMSCO said the M&O was told the RPP can not be approved until the issue is resolved. The RPP due date is June 18, 1995.

(See Attachment 13)

OAK RIDGE said the Oak Ridge Institute for Science and Education (ORISE, #41) and the Formerly Utilized Sites Remedial Action Program (FUSRAP, #38) RPPs have not gone forward yet. OR said NE-40 has stepped in to help, which is very important. ORISE and Bechtel each have one Health Physicist. Comment resolution is done. FUSRAP will have seven radon-related exemption requests. There are no other exemptions on the other items. OR said clarifications from EH-52 were important to help move along the FUSRAP RPP. EM-25 does not have any of the RPPs in the system yet and July 3, 1995 is the "drop dead" date.

(See Attachment 14)

ALBUQUERQUE provided **Attachment 15** "Monthly 10 CFR 835 Albuquerque Operations Office (AL) Implementation Status Report." The RPPs for GJPO, LANL and WIPP are in the Manager's Office and are well ahead of schedule. HQ has approximately five weeks to get the RPPs completed.

Comments were returned on the TSD/Ross "permanent" and "temporary" exemptions and a request was made to prepare separate exemptions for each organization. The formal exemptions will be forwarded to DP and EH soon.

AL said there are a total of five exemptions from AL contractors. The Pantex-Nuclear Accident Dosimetries; exemptions from UMTRA and Los Alamos, and the TSD/Ross exemptions.
(ACTION ITEMS: AL will provide EH-52 an update on the status of the five exemptions; AL will check the Sandia National Laboratories/NM RPP and see who they were sent to. AL will inform EH-52 on May 26, 1995 what has been sent.)

NV reported they received the original RPP package from SNL and are working with Jim Metcalf. NV will piggyback on the SNL RPP.

III. APPROVAL OF MINUTES

CH requested that "CH" become "Review Team" on page 8. EH-52 provided suggested changes to the notekeeper.

IV. DISTRIBUTION OF "GENERAL VIEW OF THE DOE SITE-SPECIFIC RADIOLOGICAL CONTROL MANUAL IMPLEMENTATION PLANS"

(ACTION ITEM: Review Draft provided at meeting from EM-25 and fax any corrections/additions by June 2, 1995).

Note: Attachment 16 provides an updated version of the draft report.

V. TOTAL RADIOLOGICAL PROGRAM FUNDING BY SITE, BY CSO

EH-9 distributed some preliminary budget figures for RCCC input. Each Field Office representative needs to agree with the numbers from their Field Office.

EH-9 said the budget numbers may vary from site to site. EH-52 said the Defense Board letter questioned the cost of the RadCon Manual and wanted budget data. A series of meetings were held at HQ on how to respond to the data. A strategy was taken to have a column with Core Program funding and total program funding. The budget would project what was to be spent on the RadCon Manual. There are two columns from DP and EH. Also, EM-25 is working with this budget team to see if the figures are consistent. EH-52 said the team is limiting cost figures to defense sites. They want no surprises when everyone sees the figures.

SR asked how the entire process worked. Harold Monroe, OR, said the Defense Board should have numbers that are acceptable by June 1. DP-311 said the Defense Board has to start having budget quality numbers. EH-52 has the report, but not everyone with the RCCC has seen it. OR received the numbers from EM-25 and was cued in on what was happening.

EH-9 said the entire purpose is to see how money is being spent. OR said the letter was written on April 24, but he didn't hear about it until early May. EH-9 said the real question is, "Do we know what's going on with the money spent? Are we meeting requirements?" OR said the inference of "malicious compliance" is going on in the field. EH-9 said the key is the approach to radiological controls. AL said OR has \$15 million spent while AL has zero money spent for the Operations Office functions. SR said they budget by facilities.

EH-3 said there are two main questions: 1) How much does your program cost? and 2) Are the numbers listed misleading and therefore meaningless? EH-3 asked what was the risk of taking EM-25's information and doing nothing. EH-3 said there is no substitute for approaching this with integrity. Everyone involved needs to work towards a solution.

DP-311 said these budget estimates must be heavily qualified. AL Operation Office budget figures are not zero. There is a real problem with these numbers. OR said there is a comparison between radiological and non-radiological programs.

EH-9 said EH-52's process is in the infancy stage. They're trying to determine what the budget figures mean. They only have until June 23, 1995. AL said there has been a major disconnect in this process. EH-52 said there was an assumption HQ was wrong about who budgets the money. AL said the process isn't clear. AL doesn't think the product meets a reality test, for example Mound with no funding. EH-9 recommended the RCCC convey that message at the DAS Meeting on May 30 with Randy Scott and Don Knuth.

SR stated the technical people and budget people must get together and see if the budget numbers are reasonable estimates. OR was told the data was a forecast. When one compares the numbers, it's not realistic. EH-52 said the numbers were not generated by EH. The budget figures are not estimates, but they are from Congressional budget information. SR said there is no possible way for HQ to pull that information. DP-311 said HQ is locked in on huge budget figures. EH-3 said when he was in private practice the first place he went for cost information was to the Chief Financial Officers. Presently there are no CFOs at the RCCC Meeting.

FM-50 recommended the RCCC compile an interim response and reveal more time is needed to evaluate and determine appropriate budget figures. There is a question as to if the budget numbers separate the 835 Rule and the RadCon Manual. EH-52 didn't know that only a few people had seen these budget figures. The goal is to demonstrate that DOE had an approach to manage RadCon funds. There is a major difference of opinion on that issue. AL recommended that CFOs be asked for their estimates. The real problem is that this set of budget figures are not specific to the Defense Nuclear Facilities.

SR said the issue is stewardship of how DOE handles taxpayer's money. The group needs to develop an approach to come to the best possible answer. FM-50 asked how the RCCC could get the field tied in. DP-311 said DP doesn't want to micromanage the field offices. EH-9 said it was good this issue was brought up at the meeting. It's a check that shows these budget figures may differ from actual expenditures.

(ACTION: EH-9 asked each Committee member to do a "quick" check of the budget figures so when he meets with the DAS's he can show the Committee's concern. EH-9 also recommended the Chair be in on the May 30 phone conference because it's a management issue along with an RCCC concern.)

OR is curious about the \$15 million budget figure for OR. EH-52 said people remember the budget number, but don't remember all the qualifiers. It is time to get the budget figures fixed. SR said it is impossible to break down the dollars on the cost to run a program and the cost to implement the RadCon Manual. EH-52 said these budget figures are from the congressional budget people. SR said they are from an ES&H cross-cutting report. EH-9 asked for everyone to give the figures a cursory review on their flight back home.

OR said there is value to telling EH-9 what that cursory test shows. EH-52 said the committee just needs to say these budget figures are off. OR said it's not a fallacy we can't break down the budget dollar amounts. AL said it is impossible to pull quality figures for safety vs. chemical controls. EH-3 said that information would be very valuable. AL said in 1987 there was a push to move forward in this area as far as getting quality budget figures. FM-50 said the DNFSB needs to know we've added value and made progress. We need to show positive factors. EH-9 said he will get the decision makers on a May 30, 1995 telephone conference and reiterate personal concerns.

(ACTION: The Chair will send information from the results of the May 30 teleconference on that day or the next. Each Field Office will provide budget input to this process.)

RL asked what the position of the RCCC is on this issue. The Chair summarized that the process being used needed improvement. There must be financial expertise involved in the process.

RETURN TO IV. DISTRIBUTION OF "GENERAL VIEW OF THE DOE SITE-SPECIFIC RADIOLOGICAL CONTROL MANUAL IMPLEMENTATION PLANS" (Attachment 16)

The Chair said there are compliance/non-compliance issues, along with the cost number for use in the annual report to the Secretary. Option 1 would be to lay this report aside. Option 2 would be to respond to the DNFSB and be consistent by leaving out cost figures. EH-52 asked why budget figures from last year would be acceptable. The Chair asked the Committee members to let EM-25 know if they agree/disagree with the budget figures.

(ACTION ITEM: RCCC review Attachment 16 information and comment directly to EM-25.)

VI. DISCUSSION ON DNFSB REQUEST FOR USE OF PERFORMANCE INDICATORS.

AL, OAK, OR and NV have information along with OH and SR. The Chair proposed an action of getting information together on how the Performance Indicators are used.

(ACTION: By July 15, AL, OAK, OR, NV, OH and SR will send Performance Indicators information to C. Rick Jones from each site.)

The RCCC had agreed to bring this issue up at the EFCOG meeting and respond in a timely manner.

DP-311 will bring together information from the micro-database. The performance indicators are to be responsive to the DNFSB request from Jim Troan, (**Attachment 17**). RFFO said to be careful that what is sent to the DNFSB is accurate.

VII. DISCUSSION OF ITEMS RESULTING FROM THE EFCOG MEETING.

The Chair provided the following EFCOG examples of where professional credibility may be hampered by implementing the RadCon Manual (RCM) as written:

- 1) Use of DANGER signs for contamination areas.
- 2) Taking respirator off before an outer layer of contaminated anti-c's
- 3) Source inventory and swiping of small sources
- 4) Film Dosimeter should not be taken off site unless specifically authorized by the Radiological Control Manager.
- 5) Rad Worker II may show "donning and doffing" class which may not be appropriate.

The Chair said it was useful to hear the above specific examples from the EFCOG meeting.

Also, the Exemptions Data Base is another item EFCOG identified as being useful to the field. EH-52 said the Exemptions Data Base could be distributed to the RCCC. The data base would be useful for other groups writing interpretations/clarification of RCM issues.

(ACTION: EH-52 will talk with Bob Loesch and see if the database can be built.)

EH-52 said the "shall" vs. "may" issue is being revisited now with the rule in mind. EH-52 said to be careful, that the RCCC may want to regroup and work on that issue. OAK thought the five issues (from above) raised would be brought from the EFCOG to the RCCC for discussion.

The Chair said there were more issues from EFCOG:

6) Sealed Source Accountability Issue (**See Attachment 18**). EFCOG will bring this forward and it will be looked at as a part of the source control process. OAK asked about the exclusion of the half-face respirator use. EH-52 replied the basis for the exclusion was from field personnel experience. An NRC 10 CFR Part 20 document discussed half-face vs. full-face respirators for radiological conditions and discouraged use of half-face respirators in plutonium environments. RFFO said the half-face respirators were used as emergency egress. They proved to have no additional protection. EH-52 said the use of half-face respirators was discouraged under certain conditions. RFFO replied workers are not supposed to be using them anyway. They were more of a comfort factor. EH-52 said the NRC is in the process of revising the section on half-face respirators. OAK interpreted from

the RCM that half-face respirators were "not allowed." RFFO said the level of protection was inadequate and asked OAK to ask his Radiation Control Manager to make a decision on the issue. OAK said that welding workers rely on the use of half-face respirators. The Chair said there are real problems if a RadCon Manual issue overrides a safety issue. There are two competing issues, using a half-face respirator under a welding shield.

(ACTION: The Chair will talk with Pantex to provide their experience about the use of a full-face respirator for welding vs. use of a half-face respirator.)

EH-3 said there is a common sense issue in implementing the RCM. There should not be blind adherence or a lack of flexibility. The RCM provides guidance.

The Chair provided a review of the EFCOG concerns (discussed above):

- 1) Presently being taken care of by the temporary exemption process.
- 2) This is a procedural process. The Committee may want to look at this in future revisions of the RCM. OAK believes this is a "should" statement. OAK is flexible with the process because it makes sense.
- 3) This is a source accountability issue.
- 4) If the Radiation Control Manager is comfortable with this, then it is OK. Flexibility is built in, but it is a judgment call using the RadCon Manual.
- 5) The RadCon Manual has it as part of practical factors. It is a universal consistency issue. OR said the old green workbook lists this as a "shall." OAK said it is a boundary problem, if it is in the room.
- 6) This issue is currently being worked.

VIII. DISCUSSION OF RADCON MANUAL CONCERNS

(A) STATUS OF 470 COMMENTS

The Chair stated different groups are consolidating the 470 comments. Five groups of comments will be submitted. AL had received RFFO and RL's comments. YMSCO comments go directly to HQ. AL asked that everyone please clearly communicate concur/non-concur comments. DP-311's group is formulating comments and is fairly sure EM is also. The proper/formal process is to comment.

EH-52 said June 19 is the due date for comments on 470. There are two separate review processes which will occur. SR has some confusion regarding submitting RCM comments with the 470 comments. EH-52 replied both were running on separate paths, but the time had been extended.

EH-3 asked if the RCM comments were due before the 470 comments. EH-52 said the RCM comments are due first. In hindsight, probably a better process could have been used. There seems to be a dilemma because there is no opportunity to reverse the order. EFCOG provided input to the RadCon Manual vs 10 CFR 835 (**See Attachment 19**).

(B) MEMO FROM H. MONROE TO G. RUNKLE PROVIDED BY CC to the RCCC on May 2, 1995 (Attachment 20).

AL asked if the numbers are actual exposures and was told yes by H. Monroe.

(C) INFORMATION FROM HQ PROGRAM OFFICE MEETING COORDINATED BY FM RCCC REPRESENTATIVES.

FM-50 said there was a meeting with the DP, ER and EH representatives. Unfortunately NE received late notification and could not attend and EM-25 literally missed the bus to get to the meeting. FM-50 distributed **Attachment 21**, which is a decision matrix asking if the RadCon Manual should be mandatory. If "yes" then revisit ER policy. If "no" then revisit 91-6. FM-50 said the key is how to "frame" the issue which will get a consensus from the RCCC. FM-50 asked what could be done if there was no group idea. FM-50 said FM-1 believes philosophically more to performance than compliance. FM-1 wants consistency. Also, there are the political realities of 91-6 to consider. FM-1 needs to process more information.

FM-50 then drew the following on a flipchart:

Mandatory RCM in 470

YES	NO	Undecided	Confidence Factor

The Chair said everyone can express their personal opinion, but questioned what good it would do. FM-50 said the RCCC is a group of professionals and that this would add value. SR asked what is the value added. For example, at the EFCOG meeting there were a majority against the RCM. There are two key points: 1) The RCM is a worker safety issue; 2) the RCM is to provide rigor and standards. SR said apparently finances is a big issue. The RCM was put together in haste. CH asked if the RCCC should develop a position and if they should give a confidence factor. Also, are we going to give a confidence factor also?

RFFO asked about what effects the budget decisions will cause? DP-311 said the RCCC members should all give their opinions. OR said at the last meeting, RCCC members were told they represented their "-1." He would not vote to get rid of the RCM. EH-52 said the resolution of the 470 comments would eliminate the need for any vote.

The Chair said there is no purpose of this item being on the official docket. The RCCC charter is to promulgate and consistently implement the RCM. Individual opinions are valuable, but they don't represent DP-1, EM-1 (i.e.: the primary's position).

OR said his memo was to go from his Manager's office to EH-1. However, his manager asked, "What other avenues could be used in lieu of 470 comments?" The other was the RCCC, a group of disciplined experts who could provide a valuable opinion. From the OR perspective, the RCCC are experts who provide input into the decision-making process but are only a small piece of the process. EH-52 said this is not a technical issue. The RCCC has done a good job on "small" issues, but this is a highly political issue with alternate means of resolution. The EM group was set up to decide the 470 issue.

The Chair said the resolution of 470 will resolve the RCM debate and that the issue will probably be resolved at the highest level.

FM-50 asked if the primaries are informed to decide (i.e., is there input as to 1) can this issue be resolved into 470? and 2, is there an alternative method?). OR said when discourse is stifled, there is no flexibility. DP-311 thinks the group should provide input.

EH-3 said there are two possibilities out of this dilemma:

- 1) It is obvious some RCCC members are reluctant to speak for their top management. Give the RCCC members a chance to talk to their "-1's" or Operations Office Manager and at the next meeting go on the record.
- 2) Have this discussion "off the record."

DP-311 asked what the dilemma was. The Chair was not comfortable going off the record. That would be operating outside the scope of the RCCC charter. OR said there is no problem with the charter and discussing this issue. EH-3 said it is common to go off the record for court cases. FM-50 said politics is involved and it is not appropriate to take a position. EH-3 said the goal is not to undercut senior managers at DOE.

The Chair would rather have a process on record and believes the RCCC is under scrutiny. The Chair is very concerned about finding the path forward on this issue.

FM-50 asked if everyone could agree to brief their principals. The RCCC agreed. FM-50 said FM-1 has a conference call every two weeks and that this issue would get on the agenda. NE-40 said 50% of the RCCC members belong to the EM branch.

FM-50 asked how the issue should be framed. The Chair said the issue is, "Should the RadCon Manual be mandatory in the Worker Protection Order (Order 470)?" OR said all the "shalls" and "shoulds" and "mays" should be lined up.

DP-311 said there is a larger issue at DP. They want all "rad" out of the Worker Protection Order. DP-311 said the issue is, "Should Rad Control Issues be in the Worker Protection Order? Also, if the RadCon Manual remains in 470, should it be mandatory?" DP-311 said "Mandatory RadCon Manual" is seen in many places. OR said a change to Article 1.3 could possibly be a simple way to take care of this whole problem. It would provide flexibility.

DP-311 thinks the RCCC should brief their principals and get a position. EH-52 said there is nothing new with these issues.

OR said the real issue on the table is how to get the "biggest bang for our buck" (ie: prioritize expenses). CH asked, "Do we micromanage our contractors?" There is a philosophical view and a budgetary view. EH-52 said at the EFCOG meeting, people clearly stated their positions. OR said nobody says the RCM is not needed. People say it is a valuable tool, a commitment to excellence. The real issue on the table is the relative flexibility. ER-8.2 said the issue is the "mandatory" designation. That one word means a lot more expense.

EH-9 said the DNFSB is concerned things are falling off. Some technical items are going to drop off compared to the rule. A process is needed to sort this out. SR said items should not be arbitrarily dropped. There needs to be a bridge from the 470 Order to the RCM. EH-9 said the group is not ready to state if the RCM is optional or not. AL asked if oral boards are cost-effective in the department. SR said oral boards can be, but might not be.

OR said on issue is add-on vs. baseline requirements. OR said each contractor has different points of contention with the RCM. OR said there is flexibility with Article 371 which tried to meet the concerns of each entity. DP-311 said it is an inspector's nightmare of "shalls" and "shoulds."

CH said with source control you have to have a rule, then see what parts of the RCM it addresses. EH-52 said they are two programs, developed by different processes. The RCM presents a more pragmatic document. There are different purposes and initiatives for both documents. The RCM was to be more encompassing. The RCM is to establish a conduct of operations and a uniform path for the DOE. Administrative controls, RWPs, standardized training, upgrading the workforce are lots of elements and then there are approximately 200 "shall" statements. DP-311 asked whether "shall" statements should be placed into a separate document.

EH-52 said there is difficulty in defining exactly what the problem is. The legal regulatory aspect of the rule vs. the RadCon Manual guidance documents. The Chair said 10 CFR 835 and 10 CFR 834 were basically repeats of existing orders. They were not looked at from a true rule requirements perspective. OR asked EH-52, "What's lost when the RCM is not used as a mandatory document?" OR said there is a main difference between an order and a rule. Orders can continue to be issued, but funding is needed. Overall safety is the key. EH-9 said it is an issue of mandatory vs. non-mandatory.

FM-50 thinks FM-1 will ask top officials at the next conference call to provide Managers with a "heads up" of this item of discussion. Then the RCCC members will talk with their top line supervisors. FM-50 said FM-1 is interested if the field has problems. The Chair said the 470 process is going simultaneously. ER-8.2 asked what the 470 process is. The Chair responded it is an order review process. OR said that field offices didn't have the concurrence. The Chair said this issue will be decided at a very high level.

(ACTION: EH-52 will call Frank Hawkins to find where the 470 process is and will inform the RCCC.)

ER-8.2 appreciates that action because of the tight time frame. The Chair summarized that FM-1 will bring up this topic at the next conference call, and RCCC members will brief their Managers. FM-50 said this will be included in an upcoming conference call, but is not sure of the exact date.

SR asked of the non-mandatory standard, "Is it clear who has the authority to apply the standard? Are they separate for non-mandatory standards?" ER-8.2 doesn't understand why just one is mandatory. Other standards address risks greater than radiological risks. SR said it has to be determined how "non-mandatory" it is. EH-3 said if it is not a rule, it is not a standard. The Chair said everyone needs to clearly understand the nuances of 470 along with the idea of prescribed and mandatory, not discretionary issues.

OR asked where the proper funding will come from when the funding dries up, where will the proper funding come from. DP-311 asked how FM-50 will broach this issue to FM-1. FM-50 said if there is a problem, there will be top-level involvement. Many issues need to be addressed. SR said the RCCC doesn't think it is appropriate to make a decision. RCCC members will advise their Senior Managers. If Field Offices hear this as non-mandatory, then actions will then need to be taken. EH-3 said there are political drivers of 91-6 and DOE commitments to the Board to implement the RCM.

The Chair said they could also leave Order 470 as is; but prescribe it for Defense Nuclear Facilities. They need to look at all of 470 and make sure about balancing the impact of the three mandatory standards, plus the explosive safety issue. Other issues are the ACGIH Threshold Values and the safety use of lasers. The Chair doesn't know how those were selected as mandatory, but stressed we have to look at the big picture. On the basis of the Conference Call with FM-1, the RCCC members will meet with their "-1's" or drop the issue. EH-3 said the RCCC should follow the recommendation of the top echelon.

(ACTION: FM-50 will keep the RCCC informed as to when the conference call is scheduled and any decisions made.)

IX. NEW ISSUES

RFFO said one new issue is the draft standard for enforcement of Nuclear Safety Rules. What's missing is how the field does compliance assessments. The Chair said that is presently under major revision. RFFO said people have their RPPs in place now.

OR said they are not going to mandate 1) compliance plans; 2) self reporting; and 3) if there is potential for non-compliance. This is a function of Glen Podonsky's oversight group. OR said no, that's compliance orders. The new TSA approach/process is coming out and is scheduled for RL instead of OR. OR said they have an assessment in August from HQ by Podonsky's group for a two-month period. SR asked what is their driver. RFFO said they're not assessing good or bad, but just where RFFO is in the process and how they're doing things.

RFFO asked if internal audits are done and by whom. SR said contractors RFFO asked if the contractor owns the program, but RFFO owns the assessment of the program. The Chair said there are many new processes out there. There are two pilots on oversight at AL (SNL/NM and LANL). These are part of the DP oversight process which involve performance, not compliance. RFFO asked, "How do I say they met the standards?" Someone has to say they met standards and then look at performance. SR said they developed facility assessments and then roll them into programmatic assessment. CH asked, "How does 835 effect the appraisal process? Now we have a rule in place." RFFO said CSA vs. Compliance vs. rule and how does the field office make this happen.

ID said their Price-Anderson person and the RCCC member meet monthly and run through the idea of safety significance. ID is taking advantage of their good facility representatives.

Agenda Item for Next Meeting: Field Offices should be prepared to discuss how they comply from a rule perspective and also how they come to closure, but not from an order perspective. The Chair said there are a lot of issues and this should be a 2 hour discussion at the next meeting. EH-3

enforcement staff will provide ways/pitfalls from the General Counsel perspective. The Chair said there presently is a lot of concern. The field needs to be comfortable in taking enforcement action. RFFO expressed there's too much concern about the letter of the rule.

2) FM-50 said oversight is an issue. An EH team is beginning to work this issue. There is also a program technical team headed by Martha Krebs. For example, there is a business team out of FM which developed pilot programs for the labs.

(ACTIONS: FM-50 will find out information for the RCCC and the Chair will get information on how the LANL pilot is proceeding.)

SR said lab oversight is the issue which came out of the Galvin report.

3) EH-52 distributed **Attachment 22**, "DOE COMMITMENT STATUS FOR DNFSB 91-6 RECOMMENDATIONS." Jay Masler of EH-52 said this is a list of commitments and their status and asked the RCCC to review the document. He suggested it be shown to the contractors.

(ACTION: RCCC members will send comments to Jay Masler by June 15.)

The Chair stated concern about the pitfalls of this type of table and asked the Committee to carefully review it. EH-52 said they want 100% of what each one's needs are. SR said there was a previous mechanism for getting this data. DP-311 said that it was done through the program offices. SR asked if EH will go straight to the field on a quarterly basis to find out this information. SR asked, "Will this be the source of data for the July report?" The Chair said most responses have been put together from EH data. The Committee needs to sort through the data and be singing from the same sheet of music. EH-52 asked for specific concerns to also be included on the comment form. The Chair said the Radiation Control Manager should be the source of this information because that individual is able to clarify any possible discrepancies. SR said to look at this in light of other DNFSB recommendations. This will be discussed at the next RCCC meeting.

4) OH asked about examples of the best ways to implement RPPs. OH is a small office and the RCCC member will be doing all of Nuclear Safety. Another person expected to be hired was not. SR and RFFO said they'd be willing to assist OH in this issue.

5) OAK said there is a need to follow-up on RPRIMS and ASCII in the July time frame. The Chair said two hard copies and a disk are being provided and that the loop needs to be completely closed. ID said there should be one voice on how the RCM should be used in this issue. The Chair said EFCOG is the right process to use.

6) The Chair reiterated EM-25's issues for RPP's:

- No four signature RPPs
- In transmittal - official 180 day date.
- Mention the exemption in the transmittal letter.
- The CSO is responsible for an exemption.

NEXT MEETING: July 27-28, 1995, at Boston, in conjunction with the Health Physics Meeting. The RCCC meeting will begin at noon, Thursday, July 27, 1995 and conclude Friday, July 28, 1995, at 4 p.m.

10 Attachments

Approved

Gene E. Runkle
Chair, Radiological Control
Coordinating Committee

Date