



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

DEC 15 1990

Docket No. 70-8

Mr. Martin A. Langsam, Chief
Acquisition & Assistance Operations Office
U.S. Department of Energy
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

Dear Mr. Langsam:

In the November 20, 1990, meeting with you and representatives of Battelle Columbus Division, I said that we would revise and update our letter dated December 3, 1987, which solicited agreement regarding fulfillment of Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) responsibilities for oversight of the decontamination and decommissioning (D&D) effort at Battelle. This letter provides the revision and update.

We continue to agree that, from the standpoints of cost, time, administrative effort, and efficiency of accomplishing the D&D goals, one agency, DOE, should be responsible for overseeing the D&D effort. We also continue to believe that NRC needs to inspect Battelle's licensed activities, review and approve Battelle's detailed decommissioning plan, including its financial assurance plan, and perform confirmatory surveys (if appropriate) in connection with the D&D effort.

As you know, Battelle plans to continue its tracer studies, radiography, and other NRC-licensed activities using byproduct material, not only during the D&D effort, but afterwards also. As a result, NRC's Region III Office will periodically inspect these activities and the D&D efforts to determine whether Battelle is in compliance with the terms of its license and NRC regulations. Such concurrent inspections will allow NRC to meet its responsibilities in a cost effective manner, and cause the least interference with Battelle and DOE.

Since the time of our December 3, 1987, letter, the NRC promulgated new regulations for decommissioning. One of the provisions therein requires that licensees submit detailed decommissioning plans for NRC review and approval when they have decided to discontinue all licensed activities and seek license termination. Although Battelle has definitely not discontinued all activities nor sought license termination, the NRC considers that Battelle's actions are equivalent for this purpose of the regulations. We shall review Battelle's decommissioning plan which was submitted to us by letter dated February 27, 1990, and we shall consider DOE's Environmental Assessment and Finding of No Significant Impact, which you transmitted to us by letter dated August 16, 1990, in that regard. Another provision requires that licensees submit financial assurance plans for decommissioning. Battelle has done so by providing an interim certification for \$1.5 million and a request for an exemption from NRC regulations for the future, relying to a large extent on funds from DOE's Surplus Facilities Management Plan. NRC approvals of the detailed decommissioning plan and especially the financial assurance plan would seem to be important elements toward reaching agreement that both agencies' responsibilities are satisfied in this area. While it is difficult to predict when these approvals may be granted, we shall expedite the reviews

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Mr. Martin A. Langsam

with the objective of being able to reach decisions by the end of the second quarter of FY 1991.

When D&D is completed, Battelle should submit final radiological surveys of facilities to NRC as required by regulation. The extent of any subsequent NRC confirmatory surveys will depend upon the results of the Battelle surveys, DOE confirmatory surveys, and consideration of the former activities that were conducted. However, since both agencies frequently use the same contractor for confirmatory surveys, it is unlikely that NRC would require any additional surveys of this type. An important, related issue is the standards and criteria, particularly for residual radioactivity, that are appropriate for the D&D effort. In your June 12, 1987, letter, you included a listing of standards and criteria as part of proposed contract modification language, and in our December 3, 1987, letter, we proposed adding NRC's "Branch Technical Position on Disposal or Onsite Storage of Thorium or Uranium Wastes from Previous Operations." The situation has changed since then, for we are only using Option 1 of the Branch Technical Position, supported by pathway analyses to determine that individual doses will be less than 10 millirems per year effective dose equivalent, and we will use the guidance that will be in the final version of NUREG/CR-5512, "Residual Radioactive Contamination from Decommissioning." This report should be available by the end of the second quarter of FY 1991.

We still believe that a memorandum of understanding or other contract between DOE and NRC is unnecessary to achieve agreement on the common issues related to the D&D effort at Battelle. However, in view of the need for NRC to approve Battelle's decommissioning and financial assurance plans, any implications the approvals may have on the DOE program, and the publication of new standards and criteria for residual radioactivity, we suggest that an agreement regarding fulfillment of responsibilities based on an exchange of letters between the agencies be deferred until these matters are resolved, hopefully early next spring. Meanwhile, we shall keep you informed of any significant developments in our dealings with Battelle and on the standards and criteria. Please let me know if there are any other aspects of our responsibilities that need to be resolved.

Sincerely,

Handwritten signature

Charles J. Haughney, Chief
Fuel Cycle Safety Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

cc: Joseph W. Ray
Harley L. Toy

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