UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

May 2, 2003

Donald McConnell
Senior Corporate Vice President
Battelle Memorial Institute
505 King Avenue
Columbus, Ohio 43201

SUBJECT: MEETING REPORT FOR THE APRIL 11, 2003, PUBLIC MEETING BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION (NRC), BATTELLE MEMORIAL INSTITUTE (BMI), AND U.S. DEPARTMENT OF ENERGY (DOE)

Dear Mr. McConnell:

On April 11, 2003, representatives from the NRC, BMI (the licensee), and DOE held a public meeting at the NRC headquarters offices, to discuss DOE's intent to establish a new contract with BMI. The result of the contract change would be a change in the contractor assigned to perform cleanup at the Battelle Columbus Laboratories Decommissioning Project (BCLDP). The results of the meeting are summarized below.

1. Meeting Summary

During the April 11, 2003 meeting, the BMI and DOE senior management discussed a proposed change regarding how the Battelle decommissioning project would be completed. This change would allow DOE to assume responsibility for engaging and overseeing the contractors for the day to day decommissioning activities at the West Jefferson Site. To date, BMI has been responsible for directing clean-up of the site, with a majority of funding for the cleanup activities provided by DOE.

The BMI and DOE representatives discussed the implications of the change. The licensee indicated that the change should be transparent to the NRC, and that the NRC's ability to inspect and regulate the BCLDP program would not be impacted by the proposed contractual modification. The decommissioning work would be implemented under the authority of the BMI license. Key BCLDP positions would continue to be filled by BMI employees, and auditing and oversight to insure compliance with license provisions would continue to be the responsibility of BMI. Both BMI and DOE senior management acknowledged that if any license violations are identified, BMI would be held responsible for addressing and correcting any such identified violations. The licensee expressed the intent to continue with the proposed change in contract with DOE.

2. Action Items

During the meeting the NRC, BMI and DOE staff agreed to address the following action items:

a. The NRC agreed to review the proposed BCLDP - DOE Memorandum of Understanding (MOU) that would be implemented with the new contract. The NRC advised the BMI and DOE representatives that the MOU would be outside the NRC's responsibility for regulatory review. However, the NRC agreed to evaluate the document, and provide feedback regarding any conflicts or inconsistencies pertaining to the NRC license.

b. The NRC discussed the provisions of Title 10 Code of Federal Regulations, Section 70.2, "Scope" which states, in part that, "... this part also gives notice to all persons who knowingly provide to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's or applicant's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of §70.10." The licensee agreed to ensure that the provisions of this regulation are addressed and clearly accounted for within the revised contractual arrangements.

c. The NRC discussed aspects of the NRC and U.S. Environmental Protection Agency (EPA) Memorandum of Understanding entitled, "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites" which pertains to proposed site release criteria. The licensee agreed to provide the NRC with updated information on expected site release criteria which may be lower than levels established in the licensee's Decommissioning Plan.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

If you have any questions, please contact Mike McCann at 630-829-9856.

Sincerely,

Christopher G. Miller, Chief
Decommissioning Branch

Enclosures:
1. Attendees List
2. Meeting Agenda
3. Slides

cc w/encls:
C. Jensen, BMI
G. Cunningham, BMI
R. Warther, DOE
S. Robison, DOE
Jack Craig, DOE

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/RA/

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Distribution w/atts:
J. Greeves, NMSS
M. Thaggard, NMSS
J. Lieberman, OGC
G. McCann, RIII

ATTENDEES LIST FOR THE APRIL 11, 2003
PUBLIC MEETING BETWEEN
U.S. NUCLEAR REGULATORY COMMISSION (NRC)
BATTELLE MEMORIAL INSTITUTE (BMI)
AND U.S. DEPARTMENT OF ENERGY (DOE)

NAME	ORGANIZATION
Mark Thaggard	NRC/NMSS
Jim Lieberman	NRC/OGC
John Greeves	NRC/DWM
Amir Kouhestani	NRC/DWM
Marc Dapas (telecon)	NRC/Region III
Christopher Miller	NRC/Region III
Michael LaFranzo	NRC/Region III
Mike McCann (telecon)	NRC/Region III
Guy Cunningham	Battelle
Don McConnell	Battelle
Sally Robison	DOE-EM/HQ
Jack Craig (telecon)	DOE-OH
Bob Warther (telecon)	DOE-OH

ENCLOSURE 1

Agenda

Meeting among Nuclear Regulatory Commission (NRC), Department of Energy (DOE), and Battelle Memorial Institute (BMI)

11:00 a.m. (EDT), April 11, 2003

Purposes:

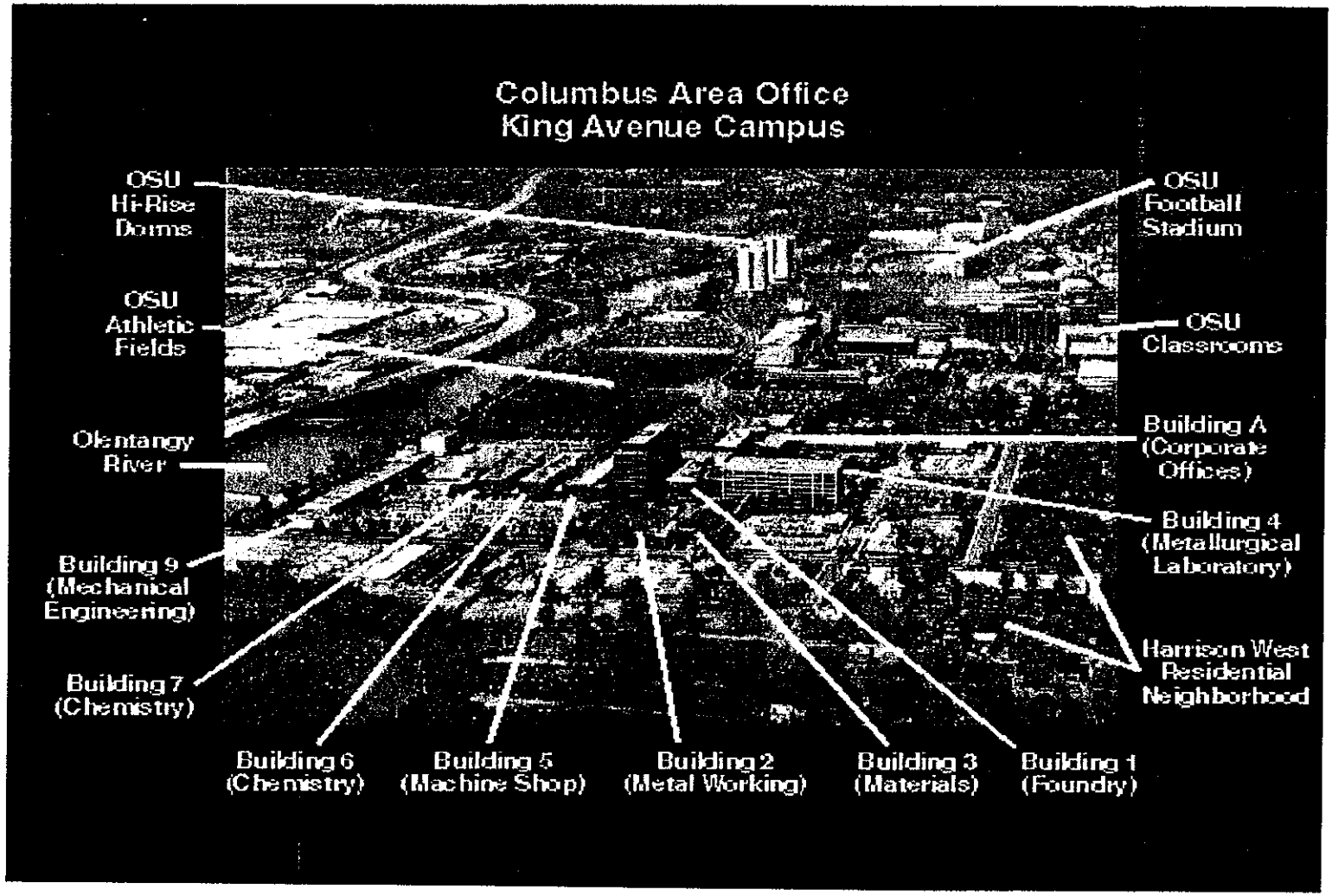
1. Discuss potential changes in how the BCLDP is implemented
2. Present a joint BMI and DOE proposal for maintaining NRC compliance after changes are in place

Time	Agenda Item	Discussion Lead
11:00 - 11:05	Welcome and Introductions	All
11:05 - 11:15	BCL Decommissioning History	BMI
11:15 - 11: 40	Presentation of Proposal	BMI and DOE
11:40 - 12:15	Open Discussion of Proposal	All
12:15 - 12:40	Lunch	
12:40 - 12:50	Comments Regarding Proposal	NRC
12:50 - 1:00	Brief Discussion & POC Identification GE-2000 Cask COC Onsite Storage of TRU Waste	All
1:00	Meeting Adjournment	

ENCLOSURE 2

OHIO FIELD OFFICE
ASHTABULA, OH • COLUMBUS, OH
FERNALD, OH • MIAMISBURG, OH
WEST VALLEY, NY

COLUMBUS CLOSURE PROJECT



ENCLOSURE 3

OHIO FIELD OFFICE
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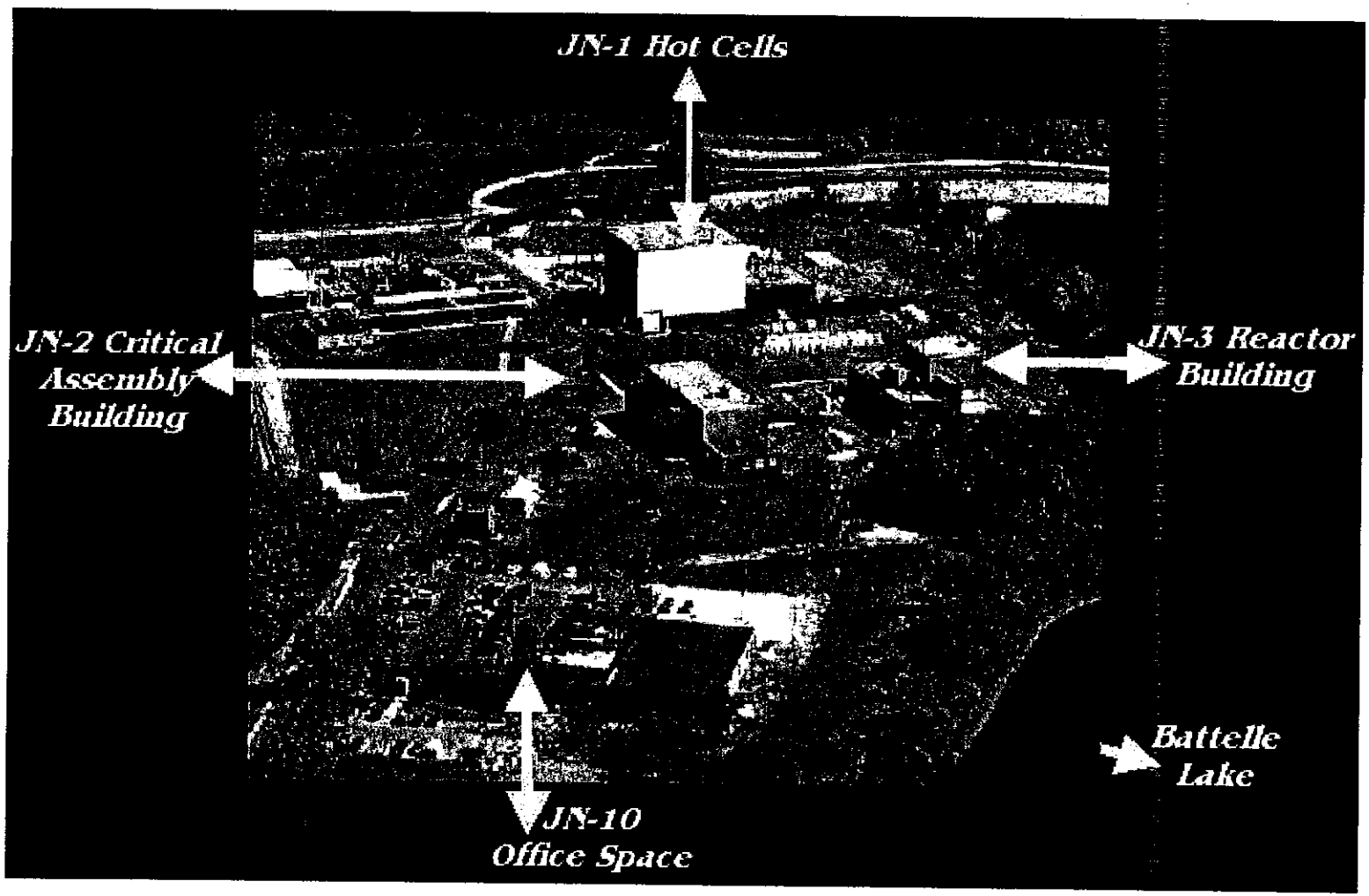
WEST VALLEY, NY

COLUMBUS CLOSURE PROJECT