



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

October 4, 2007

Pacific Northwest National Laboratory
ATTN: Robert J. Ford
Radiological Control Manager
902 Battelle Boulevard
P.O. Box 999 MSIN J2-40
Richland, WA 99352

SUBJECT: DOE PRIME CONTRACTOR EXEMPTION UNDER 10 CFR 30.12

Dear Mr. Ford,

The U.S. Nuclear Regulatory Commission (NRC) received your letter dated August 23, 2007, requesting an exemption under 10 CFR 30.12 for the Southeastern Transportation Corridor Project (SETCP). Your letter stated that Battelle [Battelle Memorial Institute] as the operator of the Pacific Northwest National Laboratory (PNNL) is a U.S. Department of Energy (DOE) prime contractor. Battelle's contract (DE-AC05-76RL01830) was provided by a link to the internet, under separate electronic mail correspondence. In terms of the contract, Battelle, as operator of PNNL, is authorized to perform radiological work through a DOE approved radiation protection program consistent with 10 CFR Part 835, Occupational Radiation Protection.

The NRC regulations provide an exemption in 10 CFR 30.12 to any prime contractor of DOE at a government-owned or controlled site, such as PNNL. However, if the prime contractor is performing work under DOE at another location which is not government owned or controlled site, then the Commission needs to determine whether the exemption of the prime contractor is authorized by law, and that, under the terms of the contract there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

The NRC has reviewed the salient parts of Battelle's prime management and operating contract with DOE PNNL (Contract No. DE-AC05-76RL01830). The review determined that the exemption under 10 CFR 30.12 is authorized by law. Additionally, the procedures and commitments made by DOE PNNL for conducting the work activities for SETCP were reviewed. Based on this review, the NRC has determined that there is adequate assurance that the activity can be accomplished without undue risk to public health and safety. Therefore, the exemption under 10 CFR 30.12 is authorized by law.

If there are any questions or comments concerning this matter, please contact Ms. Rachel S. Browder at (817) 276-6552.

Sincerely,

A handwritten signature in cursive script, reading "Leonard D. Wert".

Leonard D. Wert, Director
Division of Nuclear Materials Safety

Publicly Available
ML072770918

Pacific Northwest National Laboratory

bcc:

LWert

CCain

JWhitten

KFuller

SSChidakel

RSBrowder

SUNSI Review Completed: ☒X_____ ADAMS: ☒X___Yes Initials: RSB
☒X___Publicly Available ☒X___ Non-Sensitive

PATH AND FILENAME: S:\DNMS\ltrs-memos\DOE PNNL letter 100407.doc

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RSBrowder	JEWhitten	KFuller <i>K/F</i>	SSChidakel	LDWert
/RA/	/RA/	<i>no legal objection</i>	NLO by email	<i>LD</i>
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Pacific Northwest National Laboratory

bcc:
LWert
CCain
JWhitten
KSFuller
SChidakel
RSBrowder

SUNSI Review Completed: ☒X_____ ADAMS: ☒X___Yes Initials: _RSB_
☒X___Publicly Available ☒X___Non-Sensitive

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RSBrowder	JWhitten	KSFuller	LDWert
<i>RSBrowder</i>	<i>JWhitten</i>		
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