

July 07, 2006

Mr. E. Kurt Hackman
Site Manager
Westinghouse Electric Company LLC
3300 State Road P
Festus, MO 63028

SUBJECT: STATUS OF JUNE 8, 2006 LICENSE AMENDMENT REQUEST (TAC NO.
L52692)

Dear Mr. Hackman:

By letter dated June 8, 2006 (ML061630034), Westinghouse Electric Company LLC (WEC) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for license amendment to revise Chapter 1 of its current license including authorization to conduct additional characterization activities to support site decommissioning efforts. In this letter, WEC discusses the proposed "buried waste" characterization activities and states that "It is Westinghouse's position that these activities are within the authorized scope of the current license and are asking for approval from the USNRC to conduct the described activities based on the attached plan."

Please note that your current license (Section 9, Item E, NRC Form 374 A, page 2 of 4), specifically does not allow subsurface disturbance to include trenching, until such activities are approved by specific license amendment or a NRC-approved Decommissioning Plan. NRC will evaluate your request to conduct such characterization through the license amendment process, not through a letter of approval.

On June 9, 2006, NRC began its acceptance review of your above request in accordance with the Office of Material Safety and Safeguards (NMSS) Policy and Procedures Letter (P&PL) 1-51, Rev 1, NUREG -1757 (Consolidated NMSS Decommissioning Guidance), Vol. 1, Section 15.4.1 and NUREG -1757 Vol 2, Section 4.2, and appropriate sections of Appendices E and G. The acceptance review process involves a review of your submittal to determine the completeness of the application, the legibility of drawings; the general adequacy of information; the presence of justification for any information identified as propriety and the presence of any obvious technical inadequacies. The objective of the acceptance review is to verify that the application contains sufficient information before the staff begins an in-depth technical review. Please note that the complete technical review may identify omissions in the submittal information or technical issues that require additional information.

Staff has completed its acceptance review. As it now stands, the application is not sufficiently complete to allow us to begin our technical review. Based on the level of detail WEC provided in its submittal, staff estimated that there may be extensive communications with WEC concerning administrative and technical nuclear criticality safety issues, physical security issues, sampling and analysis, and water management issues. The available alternatives to resolve this lack of detail are to: 1) reject the submittal and return for resubmission, or 2) provide a request for additional information to attempt to supplement the application. Staff is in the process of developing a request for additional information (RAIs).

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The RAs will be sent to you as soon as possible, but no later than July 31, 2006. If the needed information is promptly provided, we will begin our technical review and develop a review schedule and discuss it with you before it is established. Once our schedule is established, please be aware that the anticipated completion date may change depending on the findings of our detailed technical review or other factors. If such changes should occur, we will promptly communicate to you any significant changes to the schedule.

Please direct any questions concerning your request to Amy M. Snyder of my staff at (301) 415-8580.

Sincerely,

/RA by A. Snyder for/

Rebecca Tadesse, Section Chief
Materials Decommissioning
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 070-00036
License No: SNM-00033

cc: A. J. Nardi, Chairman, Project Oversight
T. Chance, Radiation Safety Officer
B. Moore, Project Manager, Missouri Department of Natural Resources

The RAls will be sent to you as soon as possible, but no later than July 31, 2006. If the needed information is promptly provided, we will begin our technical review and develop a review schedule and discuss it with you before it is established. Once our schedule is established, please be aware that the anticipated completion date may change depending on the findings of our detailed technical review or other factors. If such changes should occur, we will promptly communicate to you any significant changes to the schedule.

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T. Chance, Radiation Safety Officer
B. Moore, Project Manager, Missouri Department of Natural Resources

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