

April 11, 2013

Mr. Dennis Richardson, Deputy Director
Hematite Decommissioning Project
Westinghouse Electric Company
3300 State Road P
Festus, MO 63028

SUBJECT: ISSUANCE OF HEMATITE AMENDMENT NO. 60 APPROVING
WESTINGHOUSE HEMATITE REQUEST FOR ALTERNATE DISPOSAL OF
SPECIFIED LOW-ACTIVITY RADIOACTIVE MATERIAL AND GRANTING
EXEMPTIONS TO 10 CFR 30.3 AND 10 CFR 70.3

Dear Mr. Richardson:

By letter dated January 16, 2012, Westinghouse Electric Corporation, LLC (WEC) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for alternate disposal under 10 CFR 20.2002 of approximately 23,000 m³ of waste containing low-activity radioactive materials from the Hematite Decommissioning Project (HDP), License No. SNM-33. Your submittal indicated that the waste would contain source, byproduct, and special nuclear materials. In addition, your submittal contained a proposal to dispose of the material at the US Ecology Idaho (USEI) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous disposal facility located near Grand View, Idaho, and also requested exemptions from the NRC license requirements in 10 CFR 30.3 and 10 CFR 70.3 with respect to some of the waste material. While Idaho is not an NRC Agreement State, Idaho regulations and the Grand View facility permit make USEI's acceptance of NRC-licensed material for disposal contingent upon NRC approval of the exemptions that WEC has requested.

On October 4, 2012, USEI requested that it be considered a party to WEC's January 16, 2012, alternate disposal request (ADAMS Accession No. ML12313A014).

The NRC is hereby approving your January 16th request by issuing license amendment No. 60, and is granting the requested exemptions. License amendment No. 60 revises Item 9 and License Conditions 15 and 17 to state as follows:

9. Authorized Use: Items A through H. Uses as described in August 12, 2009 Decommissioning Plan and associated supporting documents noted in Hematite Decommissioning Plan SER (ADAMS Accession No. ML112101630) and July 5, 2011 License Application (ADAMS Accession No. ML111880290).
15. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The NRC's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

- a. Westinghouse HEM-11-96, "Final Supplemental Response to NRC Request for Additional Information on the Hematite Decommissioning Plan and Related Revision to a Pending Licensing Action", July 5, 2011. (ADAMS Accession Nos. ML111880290 and ML111880292)
 - b. Documents identified in Chapter 1 of NRC Decommissioning Plan Safety Evaluation Report (SER). (ADAMS Accession No. ML112101630)
 - c. Westinghouse HEM-11-56, "*Evaluation of Technetium-99 Under the Process Buildings*", May 5, 2011. (ADAMS Accession No. ML111260624)
 - d. Documents identified in the NRC's 10 CFR 20.2002 SERs associated with Amendment Nos. 58 and 60. (ADAMS Accession Nos. ML111441087 and ML12158A401)
17. Pursuant to 10 CFR 20.2002, the licensee may dispose of solid materials (22,809 m³ of soils and associated debris and 23,000 m³ of concrete/asphalt, piping, soil and miscellaneous equipment) provided the total inventory of Tc-99 based on the average concentration and total mass shipped remains below 1.3 Ci or 2.05 Ci based upon the 95th upper confidence limit as waste at the US Ecology Idaho facility in Grand View, ID. Pursuant to 10 CFR 30.11 and 10 CFR 70.17, this material is exempt from the requirements in 10 CFR 30.3 and 10 CFR 70.3.

Note that Item 9 above was an administrative change. There were also other administrative changes to the Hematite License. The basis for the administrative changes and the changes to License Conditions 15 and 17 and the NRC's approval of this 20.2002 alternate disposal request and associated exemptions is described in the enclosed SER.

Associated with the enclosed SER, the staff evaluated the environmental impacts of approving the alternate disposal and the exemptions requests. The staff has determined that approving the alternate disposal and granting these exemptions would not result in any significant environmental impacts. For this action, the availability of the Environmental Assessment (EA) and Finding of No Significant Impact (ADAMS Accession No. ML12348A064) was prepared and published in the *Federal Register*. The EA was transmitted to you in our January 28, 2013 letter (ADAMS Accession No. ML12321A147).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

D. Richardson

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Please contact Mr. John Hayes if you have any questions concerning the above. He can be reached at (301) 415-5928 or via email at John.Hayes@nrc.gov.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 70-36
License No.: SNM-33

Enclosures:

1. 10 CFR 20.2002 Alternate Disposal SER
2. Hematite Amendment No. 60

cc: Westinghouse – Hematite Service List
Joseph W. Smetanka, Westinghouse

D. Richardson

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Joseph W. Smetanka, Westinghouse

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