

January 14, 2014

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

SUBJECT: ISSUANCE OF HEMATITE AMENDMENT NO. 63 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 May 28, 2013, Westinghouse Electric Corporation, LLC (WEC) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request (Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML13149A291), for alternate disposal under 10 CFR 20.2002 of 22,000 m³ of waste containing low-activity radioactive materials from the Hematite Decommissioning Project, License No. SNM-33. WEC's submittal indicated that the waste, consisting of soil and soil-like material (dewatered sanitary sludge) would contain source, byproduct, and special nuclear materials. In addition, the submittal contained a proposal to dispose of the material at the US Ecology Idaho (USEI) Resource Conservation and Recovery Act 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 June 5, 2013, USEI requested that it be considered a party to WEC's May 28, 2013, alternate disposal request (ADAMS Accession No. ML12313A014).

The NRC is hereby approving your May 28, 2013, request by issuing license Amendment No. 63, and is granting the requested exemptions. License Amendment No. 63 revises License Conditions 15 and 17 to state as follows:

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 the following 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 except for Attachment 18. (ADAMS Accession Nos. ML111880290 and ML111880292)
 - B. Documents identified in Chapter 1 of NRC Decommissioning Plan 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, 60, and 63. (ADAMS Accession Nos. ML111441087, ML12158A401, and ML13280A368)
 - E. Westinghouse HEM-12-101, "Special Nuclear Material License Application for the Hematite Decommissioning Project", August 16, 2012. (ADAMS Accession No. ML12233A362)
17. Pursuant to 10 CFR 20.2002, the licensee may dispose of solid materials [consisting of a total of 44,809 m³ of soils, soil-like material (dewatered sanitary sludge) 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. Any waste material which will be chemically treated at the US Ecology Idaho facility in Grand View Idaho will be shipped in a rail car and total U-235 content per rail car will be limited to 700 grams or less. In addition, Westinghouse will ensure that any chemical treatment which occurs at US Ecology Idaho is limited so that no treated batch contains more than the contents of one railcar.

As a result of this review, a new License Condition No. 18 is being added to the Hematite License. License Condition No. 18 will state the following:

18. The licensee SHALL evaluate the impact of any change to its methods or procedures for performing surveys or visual inspection of buried or exhumed waste and/or contaminated soil, whether in situ or ex situ, on its ability to comply with the applicable criticality safety mass and concentration limits and associated controls established in a nuclear criticality safety assessment/evaluation or in Condition 14. If, based upon this evaluation, the licensee determines that the change has the potential to increase or decrease the effectiveness or efficiency of the licensee's methods for complying with these limits, then the licensee SHALL provide the NRC a copy of the procedure and the evaluation within 48 hours after its approval.

The bases for the changes to License Conditions 15 and 17, the addition of License Condition 18 and the NRC's approval of this §20.2002 alternate disposal request and associated exemptions are 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. ML13269A252) was prepared and published in the *Federal Register*. The EA was transmitted to you in our December 12, 2013 letter (ADAMS Accession No. ML13270A412).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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/

Andrew Persinko, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
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. 63

cc:

Westinghouse – Hematite Service List
Joseph W. Smetanka, Westinghouse

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Sincerely,
/RA/

Andrew Persinko, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 70-36
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Westinghouse – Hematite Service List
Joseph W. Smetanka, Westinghouse

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