

January 14, 2014

Mr. Joseph J. Weismann, CHP
Vice President, Radiological Programs and Field Services
US Ecology, Inc.
251 E. Front Street
Suite 400
Boise, ID 83702

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. Weismann:

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 (HDP), 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 (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 June 5, 2013, USEI requested that it be considered a party to WEC's May 28, 2013, alternate disposal request (ADAMS Accession No. ML12313A014).

By this letter, the NRC is informing you that we have granted WEC's May 2013 request for alternate disposal, and we have amended the Hematite License to reflect this authorization. WEC is now permitted to dispose of an additional 22,000 m³ of soil and soil like material generated by its HDP, provided the total inventory of Tc-99 based on average concentration and total mass shipped remains below 1.3 Ci or 2.05 Ci based upon the 95th upper confidence limit. The above amount for disposal is in addition to the previously approved 23,000 m³ in April 2013 and 22,809 m³ in November of 2011.

By this letter we are also informing you that the requested exemptions from the NRC licensing requirement of 10 CFR 30.3 and 10 CFR 70.3 have been granted.

The basis for the NRC's approval is provided in the enclosed Safety Evaluation Report (SER). Associated with the enclosed SER, the staff evaluated the environmental impacts of approving the alternate disposal and the exemptions. The staff has determined that approving the alternate disposal and granting these exemptions would not result in any significant environmental impacts.

Associated with this action, a notice of availability of an Environmental Assessment (EA) and a Finding of No Significant Impact (ML13269A252) were prepared and published in the *Federal Register*. The EA was transmitted to you by letter dated December 12, 2013. (ADAMS Accession No. ML13270A422)

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 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>.

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:
10 CFR 20.2002 Alternate Disposal SER

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

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Joseph W. Smetanka, Westinghouse

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J. Tapp, RIII

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OFC	DURLD	LA	DULRD	OGC	OGC/HLWFC NS	DWMEP
NAME	JHayes	SAchten	MNorato	BJones	JBiggins	DPersinko
DATE	12/18/13	12/18/13	12/20/13	12/30/13	12/30/13	1/ /14

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Westinghouse - Hematite Service List

cc:

Alex S. Polonsky
Morgan Lewis, Esq.
Morgan, Lewis & Kocjus LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

R. Budd Haemer
Shaw Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1128

Eric Gilstrap
Environmental Engineer
Department of Natural Resources
Federal Facilities Section
State of Missouri
917 N. Highway 67, Suite 104
Florissant, MO 63031

Wm. Lacy Clay, Jr.
6830 Gravois
St. Louis, MO 63116

Ramona J. Huckstep
Community Relations Coordinator
Missouri Department of Natural Resources
Hazardous Waste Program
State of Missouri
P.O. Box 176
Jefferson City, MO 65103-0176

Aaron Schmidt, Deputy Director
Division of Environmental Quality
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Sara Parker Pauley, Director
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65103-0176

Jonathan Garoutte, Bureau Chief,
Bureau of Environmental Epidemiology,
Missouri Department of Health & Senior
Services
930 Wildwood
P.O. Box 570
Jefferson City, MO 65102-0570

Steven Sykes
Jefferson County Department of Public
Health
405 Main Street
P.O. Box 437
Hillsboro, MO 63050

The Honorable Teresa Kreidler
Jefferson County Council Board of
Executives
District 5
P.O. Box 100
Hillsboro, MO 63050

Branden Doster, Chief
Federal Facilities Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Michele M. Gutman
Deputy General Counsel
Westinghouse Electric Company LLC
1000 Westinghouse Drive
Cranberry Township, PA 16066

Happy Welch
Festus City Administrator
Festus City Hall
711 West Main
Festus, MO 63028

The Honorable Mike Cage
Mayor, Festus City
Festus City Hall
711 West Main
Festus, MO 63028

The Honorable Cliff Lane
Jefferson County Council Board of
Executives
District 6
P.O. Box 100
Hillsboro, MO 63050

The Honorable Ken Waller, Executive
Jefferson County
P.O. Box 100
Hillsboro, MO 63050

Tiffany Drake, Unit Chief
Missouri Department of Natural Resources
DEQ/HWP/FFS/RRA
1730 East Elm Street
P.O. Box 176
Jefferson City, MO 65102-0176

Dennis Wambuguh, PhD.
Health & Risk Assessment Unit Chief
Bureau of Environmental Epidemiology
Missouri Department of Health and Senior
Services
930 Wildwood Drive
Jefferson City, MO 65109