

April 29, 2015

Ms. Gay Fussell, Deputy Director  
Hematite Decommissioning Project  
Westinghouse Electric Company  
3300 State Road P  
Festus, MO 63028

SUBJECT: ISSUANCE OF HEMATITE AMENDMENT NO. 65 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 Ms. Fussell:

By letter dated July 11, 2014, Westinghouse Electric Corporation, LLC (WEC) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request to amend the Hematite Decommissioning Project (HDP), License No. SNM-33 (Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML14193A008). This request involved increasing the volume of waste previously authorized for transfer from the HDP for alternate disposal at the U.S. Ecology Idaho (USEI) near Grand View, Idaho. This request involved an increase in the volume of waste to be disposed at USEI by 87,100 m<sup>3</sup> to 154,909 m<sup>3</sup>. Hematite waste consists of buried debris and contaminated soil, concrete and asphalt, and piping. The USEI facility is a Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous disposal facility. As USEI is not a NRC licensee and as Idaho is not a NRC Agreement State, USEI's legal ability to accept NRC-licensed material is contingent upon the NRC's approval of the exemptions from NRC regulations 10 CFR 30.3 and 10 CFR 70.3, which Westinghouse requested in its July 11, 2014 letter. If the NRC approves the 10 CFR 20.2002 alternate disposal request and the exemption requests, the NRC would amend Westinghouse's SNM-33 License Conditions 15.d and 17.

In parallel with Westinghouse's request, on August 12, 2014, USEI requested exemptions from the requirements of 10 CFR 30.3 and 10 CFR 70.3 (ADAMS Accession No. ML14272A425).

The NRC is hereby approving your July 11, 2014 request, as modified by your letters dated September 25, 2014, December 19, 2014, February 18, 2015 and April 21, 2015, by issuing license Amendment No. 65 and granting the requested exemptions.

By this letter, the NRC is informing you that Westinghouse is now permitted to dispose of an additional 81,497 m<sup>3</sup> of soil and soil like material and an additional 5,451 m<sup>3</sup> of piping, concrete, and asphalt generated by 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 95<sup>th</sup> percentile upper confidence limit. The above amount for disposal is in addition to the previously approved amounts in Hematite Amendment Nos. 58, 60 and 63. In total, Westinghouse is permitted to dispose up to 154,757 m<sup>3</sup> of Hematite waste at USEI. License Amendment No. 65 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, 63 and 65. (ADAMS Accession Nos. ML111441087, ML12158A401, ML13280A368 and ML15086A364)
  - 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 126,306 m<sup>3</sup> of soils, soil-like material (dewatered sanitary sludge) and associated debris and 28,451 m<sup>3</sup> 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 95<sup>th</sup> percentile 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.

The bases for the changes to License Conditions 15 and 17, and the NRC's approval of Westinghouse's 10 CFR 20.2002 alternate disposal request and associated exemption requests, are described in the enclosed SER.

By this letter we are also informing you that USEI's 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 also 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 exemption requests would not result in any significant environmental

impacts. A notice of availability of an Environmental Assessment (EA) and a Finding of No Significant Impact (ML15029A064) were prepared and published in the *Federal Register*. The EA was transmitted to you by letter dated April 9, 2015 (ADAMS Accession No. ML15028A501).

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](mailto:John.Hayes@nrc.gov).

Sincerely,

**/RA/**

Andrew Persinko, Deputy Director  
Division of Decommissioning, Uranium Recovery,  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

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

Enclosures:

1. 10 CFR 20.2002 Alternate Disposal SER
2. Hematite Amendment No. 65

cc:

Westinghouse – Hematite Service List  
Joseph W. Smetanka, Westinghouse

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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](mailto:John.Hayes@nrc.gov).

Sincerely,

Andrew Persinko, Deputy Director  
Division of Decommissioning, Uranium Recovery,  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-36  
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cc:

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Joseph W. Smetanka, Westinghouse

DISTRIBUTION:

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**ML15086A364**

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**OFFICIAL RECORD COPY**

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