

## U.S. NUCLEAR REGULATORY COMMISSION

Amendment No. 48

**MATERIALS LICENSE**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee  1. Westinghouse Electric Company LLC  2. 3300 State Road P Festus, Missouri 63028		In accordance with the letter dated January 26, 2004  3. License number SNM-00033  4. Expiration date July 31, 2004  5. Docket No. 070-00036 Reference No.	
6. Byproduct, source, and/or special nuclear material  A. Uranium enriched to maximum 5.0 weight percent in the U-235 isotope  B. Uranium, enriched to any enrichment in the U-235 isotope  C. Uranium (natural or depleted)  D. Cobalt-60  E. Cesium-137  F. Byproduct material, including americium 241  G. Special, Source, and Byproduct Material  H. Californium 252	7. Chemical and/or physical form  A. Any (excluding metal powders)  B. Any (excluding metal powders)  C. Any (excluding metal powders)  D. Sealed sources  E. Sealed sources  F. Any  G. Any (residual contamination)  H. Sealed Sources	8. Maximum amount that licensee may possess at any one time under this license  A. 1,250 kilograms U-235  B. 350 grams U-235  C. 2,000 KILOGRAMS  D. 40 millicuries  E. 500 millicuries  F. 400 microcuries  G. Existing at the Hematite site On July 1, 2001  H. 23.77 micrograms	

9. Authorized Use: Items A through G. Uses as described in letter dated August 22, 2002, and limited to decommissioning activities as follows:

- A. Activities necessary to reduce the current inventory of Special Nuclear Material, Source Material, and Byproduct material from the site including, but not limited to, such activities as:

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1. Preparation, packaging, and shipment of the remaining inventory of Special Nuclear and Source Material.
  2. Waste preparation, packaging, and shipment.
  3. Equipment testing, clean-out, and decontamination in preparation for packaging and shipment.
- B. Activities necessary to plan for the decommissioning of the site including, but not limited to, such activities as site characterization.
- C. Activities necessary to maintain the facilities and site in a safe condition pending license termination including, but not limited to, such activities as:
1. Facility maintenance, inspection, testing, and preventive maintenance activities necessary to maintain safe conditions such as ventilation control and operation, alarm systems, process controls, building maintenance etc.
  2. Process equipment maintenance.
- D. Activities necessary to decommission the facilities and site including but not limited to such activities as:
1. Waste preparation, packaging, and shipment.
  2. Equipment clean-out and decontamination.
  3. Building surface decontamination.
- E. The licensee shall not perform the following activities until they are approved by specific license amendment or an NRC-approved Decommissioning Plan:
1. Building demolition.
  2. Soil and groundwater remediation.
  3. Final status surveys.
- H. For instrument calibration

CONDITIONS

10. Licensed material shall be possessed at the licensee's Hematite facilities located in Hematite, Missouri

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11. A. The Radiation Safety Officer (RSO) is responsible for the oversight and implementation of the licensee's Radiation Protection Program. The duties of the RSO are described in Section 2.1.3. The Hematite Facility RSO is Cort Horton.
- B. The Project Director for the Hematite Facility is Henry A. Sepp. The duties of the Project Director are described in Section 2.1.1.
- C. The Project Oversight Committee (POC) Chairman for the Hematite Facility is Joseph Nardi. The duties of the POC Chairman are described in Section 2.1.2.
12. The licensee is hereby granted the special authorizations in Chapter 1, Section 1.6(a) through 1.6(h) of the renewal application.
13. In accordance with 10 CFR 71.8, Westinghouse Electric Company is authorized to transport certain bulk materials contaminated with fissile material under the provisions of 10 CFR 71.53. The materials authorized are listed in Table 1, as limited by conditions listed in Table 2, of Westinghouse Electric Company application dated October 24, 2001. The materials are exempt from fissile material classification and from the fissile material package standards of 10 CFR 71.55 and 71.59, but are subject to all other requirements of 10 CFR Part 71.
14. The licensee shall submit a phased Decommissioning Plan for NRC approval in accordance with the following schedule proposed in Westinghouse letters dated April 30, 2004, and July 22, 2004, and accepted by NRC letter dated August 25, 2004.
- Outlying Land Areas - submittal April 30, 2004
  - Subsurface Soil Areas - submittal June 30, 2005
  - Surface Soil and Water - submittal June 30, 2005
  - Non-contaminated Buildings - submittal June 30, 2006
  - Groundwater - submittal June 30, 2006
15. The licensee shall follow Sections 1.0 through 9.0 (dated August 31, 2004, and all pages designated as Revision 5) of PO-MCA-001, "Fundamental Nuclear Material Control Plan." This Plan may be further revised in accordance with, and pursuant to, the provisions of either 10 CFR 70.32(c) or 70.34.
16. The licensee shall follow the physical protection plan entitled, "Physical Security Plan" Revision 5, Westinghouse document No.: PO-GM-006 (undated) transmitted by letter dated January 26, 2004; and as it may be further revised in accordance with the provisions of 10 CFR 70.32(e).
17. 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 U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated April 21, 2004 (Chapter 2). Application dated October 29, 1993, (Chapters 1, and Chapters 3 through 8) and supplements dated November 24, 1993; January 14, January 28, March

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21, April 20, June 14, and October 24, 1994; January 28, February 27, April 24, July 27, October 31, and December 15, 1995; January 26, May 29, and October 23, 1996; August 8, August 11, August 12, and December 8, 1997; July 10, 1998; January 15, March 12, June 3, August 13, and December 6, 1999; February 7, April 7, June 21, and December 22, 2000; and March 6, August 2, September 11, and October 24, 2001.

- B. Letters dated August 22, and 28, 2002, September 4, 2002, December 30, 2003, April 7, June 15, and August 27, 2004.



Date: \_11/24/04\_\_\_\_\_

/RA/  
Daniel M. Gillen, Acting Director  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards