

U.S. NUCLEAR REGULATORY COMMISSION

Amendment No. 44

MATERIALS LICENSE

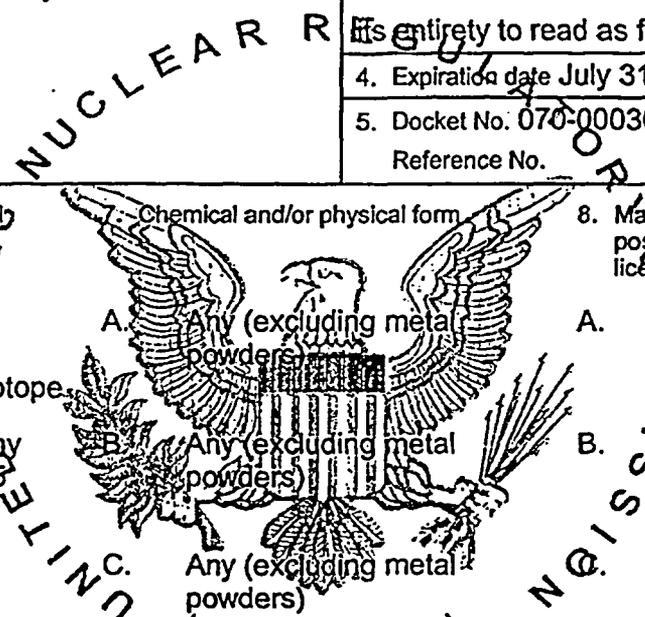
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Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements 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.

PC 21215

312881

<p>Licensee</p> <p>1. Westinghouse Electric Company LLC</p> <p>2. 3300 State Road P Festus, Missouri 63028</p>	<p>In accordance with the letter dated December 30, 2003</p> <p>3. License number SNM-00033 is amended in its entirety to read as follows: its entirety as follows:</p> <p>4. Expiration date July 31, 2004</p> <p>5. Docket No. 070-00036 Reference No.</p>
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6. Byproduct, source, and/or special nuclear material	Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Uranium enriched to maximum 5.0 weight percent in the U-235 isotope.	A. Any (excluding metal powders)	A. 250 kilograms U-235
B. Uranium, enriched to any enrichment in the U-235 isotope	B. Any (excluding metal powders)	B. 350 grams U-235
c. Uranium (natural or depleted)	C. Any (excluding metal powders)	C. 2,000 KILOGRAMS
D. Cobalt-60	D. Sealed sources	D. 40 millicuries
E. Cesium-137	E. Sealed sources	E. 500 millicuries
F. Byproduct material, including americium 241	F. Any	F. 400 microcuries
G. Special, Source, and Byproduct Material	G. Any (residual contamination)	Existing at the Hematite site On July 1, 2001
H. Californium 252	H. Sealed Sources	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) responsible for the oversight and implementation of the licensee's Radiation Protection Program is Cort Horton. The duties described in Section 2.1.3. "Manager Environment, Health and Safety" relating to radiation safety shall be relegated to the RSO.
- B. The Site Manager for the Hematite Facility is Henry A. Sepp.
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 Decommissioning Plan for NRC approval by April 30, 2004, in accordance with the Schedule for Submission of Hematite Decommissioning Plan proposed by Westinghouse letter dated October 30, 2000, and accepted by NRC letter dated May 30, 2001.
15. The licensee shall follow Sections 1.0, 6.0, 7.0 and 9.0 with all pages dated April 28, 1995, Sections 2.0 and 8.0 with all pages dated December 8, 1997, and Sections 3.0, 4.0, and 5.0 with all pages dated February 25, 1999, of its 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. Notwithstanding the commitments in Section 7.3 of the FNMC Plan identified in Condition 15 to perform receipt measurements and shipper-receiver comparisons within 30 days of receiving shipments of SNM, and enter the materials into the item control system, the licensee, upon receipt and opening the shipping containers and after a maximum of 90 days in the controlled storage area, shall fulfill the compensatory measures and measurement commitments relative to the shipments of uranium pellets identified in the November 21, 2000, request letter.
17. The licensee shall follow the physical protection plan entitled, "Physical Security Plan for Protection of Nuclear Material of Low Strategic Significance" Revision 4 dated September, 1999 (letter dated September 10, 1999); and as it may be further revised in accordance with the provisions of 10 CFR 70.32(e).

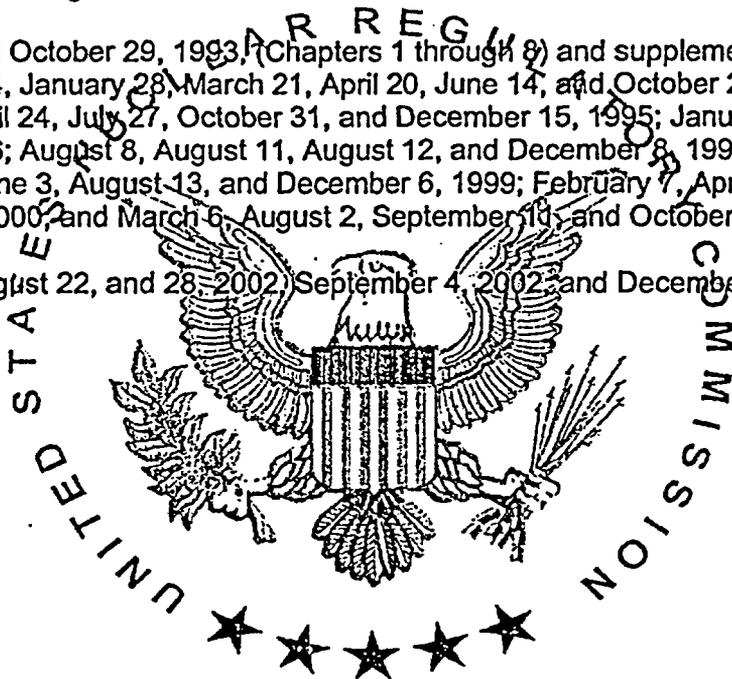
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18. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear 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 October 29, 1993, (Chapters 1 through 9) and supplements dated November 24, 1993; January 14, January 28, March 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 15, and October 24, 2001.
 - B. Letters dated August 22, and 28, 2002; September 4, 2002; and December 30, 2003.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date JAN 28 2004

By *George M. McCann*
George M. McCann
Decommissioning Branch
NRC, Region III