

DOCKET: 70-36

LICENSEE: Westinghouse Electric Company LLC, Festus, Missouri

SUBJECT: SAFETY EVALUATION REPORT ADDRESSING PROPOSED CONTINUATION OF LICENSE AND OTHER CHANGES TO MATERIALS LICENSE NUMBER SNM-00033 WITH CATEGORICAL EXCLUSION (TAC NO. L52662)

## BACKGROUND AND DISCUSSION

By letters dated June 29, 2004, and May 12, 2005, Westinghouse Electric Company, LLC (WEC) requested an amendment to license SNM-33 to reflect a change in personnel for the Radiation Safety Officer (RSO) and to clarify that the license will remain in effect until decommissioning is complete and U.S. Nuclear Regulatory Commission (NRC) terminates the license, respectively, at the WEC facility in Festus, Missouri, located in Jefferson County.

Along with WEC's license amendment requests, in accordance with the agreement between the NRC and WEC reached during discussions in May 2005, and as explained in a letter from NRC to WEC dated June 20, 2005 (ML051650022), license condition 14 is to be deleted from the license because the agreement between NRC and WEC no longer applies.

By the supplemental letter dated February 22, 2006 (ML060550125), License Condition 13 has been removed because this applied to a specific exemption that was issued to permit the shipment of certain waste materials in bulk form and is no longer needed. Also, on November 15, 2004, WEC requested that NRC provide WEC with guidance regarding NRC approval of submitted information (ML053220210). Chapter 2, Section 2.7 is modified to clarify electronic submissions to NRC.

The licensee's June 29, 2004, and May 12, 2005, applications, supplemental letter dated February 22, 2006, and the agreement reached in May 2005, between NRC and WEC, as documented in NRC's June 20, 2005, letter to WEC (ML051650022) revised and replaced the earlier submittals transmitted by applications dated April 21, 2004 (Chapter 2). The proposed changes were as follows:

- Chapter 2, Rev. 0, page 2-7, Section 2.4, 2<sup>nd</sup> Paragraph: Deleted. The following information will be added. "The experience summaries and qualifications of the RSO can be obtained from the Project Director. Within 30 days of change of the RSO, the licensee must submit to NRC a summary of the RSO's experience and qualification for review."
- Chapter 2, Rev. 0, pages 2-25 through 2-28 were deleted.
- Chapter 2, Rev. 0, page 2-31, The Hematite Organizational Chart: Cort Horton's name will be deleted from the RSO box.
- Chapter 2, Rev. 0, Section 2.7, page 2-8, last paragraph: The following was added: "All electronic submissions to NRC must meet NRC's Guidance for Electronic Submissions to

the Commission. This guidance is found at <http://www.nrc.gov/site-help/eie/guid-elec-submission.pdf>. All submissions to NRC must meet the requirements of 10 CFR 70.5(a).”

- Chapter 2 was updated in its entirety to reflect the changes herein and was designated as Rev. 1, dated 3/23/06. The Chapter was renumbered accordingly.
- License Condition 11A: Will be modified as follows - “The Hematite Facility RSO is Cort Horton” will be deleted. The staff compared the RSO minimal requirements as stated in Section 2.1.3 of the license to the resume of the proposed RSO, Tracy Chance, and found that Tracy Chance meets the RSO requirements as stated in Section 2.1.3 of the license.
- License Condition 13: Will be deleted as it is no longer applicable. The license has been updated to reflect the current decommissioning status of the facility.
- License Condition 14: The schedule for the submittal of Decommissioning Plans in phases will be deleted from the license as explained in the June 20, 2005 letter from NRC to WEC (ML051650022).
- The license expiration date: Will be changed from “July 31, 2004,” to “License is continued until decommissioning is complete and the U.S. Nuclear Regulatory Commission notifies Westinghouse Electric Company LLC in writing that the license is terminated.”
- Part II of the November 24, 1993, application (Chapters 9, 10, 11, 12, 13 and 15): Will be deleted because it no longer applies to the facility. The facility has ceased production operations.

The staff has reviewed the above changes to the license and finds that these changes can be made without adversely affecting public health and safety, or the environment because these changes are considered administrative, organizational, and procedural in nature, and do not constitute a change in process operations or equipment. The licensee will not be adding any new processes and has shut down all of its manufacturing operations at the Hematite facility.

#### ENVIRONMENTAL REVIEW

An Environmental Assessment for these actions is not required because the actions are categorically excluded under 10 CFR 51.22 (c)(11). These actions are administrative in nature and do not significantly alter the previously evaluated environmental impacts associated with the licensed operation and does not affect the scope or nature of the licensed activity.

#### CONCLUSION

NRC staff has reviewed the proposed amendment and has determined that the proposed changes do not adversely affect public health and safety or the environment and are categorically excluded from the requirement to prepare a site-specific environmental assessment. Therefore, approval of the amendment application is recommended.

#### PRINCIPAL CONTRIBUTOR

Amy M. Snyder