

4-11-02  
R3/D2#107

**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	3. License Number SNM-33, Amendment 42
2. 3300 State Road P Festus, Missouri 63028	4. Expiration Date July 31, 2004
	5. Docket No. 70-36 Reference No.

6. Byproduct Source, and/or Special Nuclear Material	7. 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. 2,000 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. Source material (uranium and thorium)	C. Any (excluding metal powders)	C. 25,000 kilograms
D. Cobalt-60	D. Sealed sources	D. 40 millicuries
E. Cesium-137	E. Sealed sources	E. 500 millicuries
F. Mixed activation and fission product calibration sources including Am-241	F. Solid sources	F. 200 microcuries
G. Californium-252	G. Sealed sources	G. 4 milligrams
H. Special, Source, and Byproduct Material as residual contamination	H. Any	H. All residual contamination Existing at the Hematite site On July 1, 2001

9. Authorized place of use: The licensee's existing facilities in Hematite, Missouri, as described in the license renewal application.

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10. The license shall be deemed to contain two sections: Safety Conditions and Safeguards Conditions. These sections are part of the license, and the licensee is subject to compliance with all listed conditions in each section.

FOR THE NUCLEAR REGULATORY COMMISSION

Date: 4/11/02

By: Daniel M. Gillen, Chief  
Fuel Cycle Licensing Branch  
Division of Fuel Cycle Safety  
and Safeguards, NMSS  
Washington, DC 20555

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**SAFETY CONDITIONS**

- S-1. Authorized use: For use in accordance with the statements, representations, and conditions in Chapters 1 through 8 of the application dated October 29, 1993, 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 11, and October 24, 2001.
- S-2. Deleted - Determination of the source of contamination and identification of the contaminants in burial site well # 4 approved by Amendment 18 dated January 1998.
- S-3. Deleted - Hematite Evaporation Ponds Decommissioning Plan approved by Amendment 4 dated May 1995.
- S-4. The licensee is hereby granted the special authorizations in Chapter 1, Section 1.6(a) through 1.6(h) of the renewal application.
- S-5. Deleted - The 4-month delay in completion date of biennial emergency exercise was deleted by Amendment 13 dated June 1996.
- S-6. Deleted - Criticality Safety Program Update Analyses plan submitted to NRC prior to December 31, 2000; approved by Amendment 39 dated May 2001.
- S-7: 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.
- S-8 The licensee shall not perform the following activities until they are approved by specific license amendment or an NRC-approved Decommissioning Plan:
- Building demolition
  - Soil and groundwater remediation
  - Final status surveys
- S-9 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.

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**SAFEGUARDS CONDITIONS**

Section 1.0 - Material Control & Accounting

- SG-1.1 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.
- SG-1.2 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.3 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.4 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.5 Deleted - This was deleted by Amendment 16 dated February 1997.
- SG-1.6 Deleted - This was deleted by Amendment 14 dated July 1996.
- SG-1.7 Deleted - This was deleted by Amendment 25 dated May 1999.
- SG-1.8 Deleted - This was deleted by Amendment 25 dated May 1999.
- SG-1.9 Deleted - This was deleted by Amendment 29 dated October 1999.
- SG-1.10 Deleted - This was deleted by Amendment 32 dated February 2000.
- SG-1.11 Deleted - This was deleted by Amendment 36 dated January 2001.
- SG-1.12 Notwithstanding the commitments, in Section 7.3 of the FNMC Plan identified in Condition SG-1.1, 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.
- SG-1.13 Notwithstanding the requirement of 10 CFR 74.31(c)(5) and the commitments in Section 5.0 of the Plan identified in Condition SG-1.1, to perform a physical inventory at least every twelve months, the licensee is granted an extension of time from April 22, to August 30, 2001, for conducting its annual SNM physical inventory. This condition automatically expires on August 31, 2001.

Section 2.0 - Physical Protection for SNM of Low Strategic Significance

- SG-2.1 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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SG-2.2 The licensee shall ensure that the surveillance tour, conducted by the guards or authorized person in accordance with Section 3.1.1, includes surveillance over the UF<sub>6</sub> outdoor storage area.

Section 3.0 - International Safeguards

SG-3.1 The licensee shall follow all sub-codes within Codes 1 through 6 of the Transitional Facility Attachment No. 14A, with the date of entry into force of December 4, 1995, to the US/IAEA Safeguards Agreement.