

June 30, 2006

Mr. E. Kurt Hackman  
Site Manager  
Westinghouse Electric Company, LLC  
3300 State Road P  
Festus, MO 63028

SUBJECT: AMENDMENT NO. 52 TO MATERIALS LICENSE NO. SNM-00033  
AUTHORIZING BUILDING DEMOLITION AT THE HEMATITE FACILITY INTO  
THE LICENSE (TAC NO. L52641)

Dear Mr. Hackman:

I am responding to your request for the U.S. Nuclear Regulatory Commission (NRC) to authorize Building Dismantlement and Demolition at the Hematite Facility into Materials License No. SNM-00033. You submitted your request in letters dated October 5, 2004 (ML042860234), supplemented by letter dated December 22, 2004 (ML0502503470). The NRC evaluated your requests and developed an environmental assessment (EA) (ML053480086) to support the review of your Plans and the proposed license amendment request in accordance with the requirements of 10 Code of Federal Regulations (CFR) Part 51. Based on the staff's evaluation, the conclusion of the EA is a Finding of No Significant Impact on human health and the environment for this licensing action. A Safety Evaluation Report was also prepared for this licensing action and is included as Enclosure 1.

Enclosed is Amendment 52 (Enclosure 2) to Materials License No. SNM-00033, incorporating the authorization to dismantle and demolish buildings at the Hematite Facility to support termination of the license and to support release of the Hematite site for unrestricted use.

Building Demolition is removed from Item 9 E and Subsurface disturbance to include trenching, waste treatment on-site, staging of Material and Equipment in the Burial Pit Area, with the exception of the existing pads and roadways were added.

License condition 15 was renumbered as license condition 16 and updated to include applicable license application and letter dates.

License condition 15 has been added:

"The licensee is hereby granted permission to demolish or dismantle buildings excluding slabs and foundations. The licensee shall not free release any buildings that it chooses not to dismantle or demolish at this time until such activity is approved by specific license amendment or a NRC-approved Decommissioning Plan."

Chapter 1, Section 1.6, page 1-6 of Materials License No. SNM-00033 as been revised to include item:

“(d) Dismantlement and demolition of site buildings down to building slabs and foundations at grade.”

Chapter 1, Section 1.6, page 1-6, (e) of Materials License No. SNM-00033 was deleted.

All other license conditions shall remain the same.

If you have any questions please contact Ms. Amy M. Snyder, of my staff, at (301) 415-8580 or by e-mail at AMS3@nrc.gov.

Sincerely,

**/RA/**

Andrew Persinko, Acting Deputy Director  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 070-00036  
License No.: SNM-00033

Enclosures:

1. Amendment No. 52 to Materials License SNM-00033
2. Safety Evaluation Report

cc: Westinghouse Electric Company LCC, Service List

E. K. Hackman

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**Amendment No. 52 to Materials License No. SNM-00033**  
**Enclosure 1**

## U.S. NUCLEAR REGULATORY COMMISSION

Amendment No. **52****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		In accordance with the letters dated <b>October 5, 2004 and December 22, 2004</b>
1. Westinghouse Electric Company LLC		3. License number SNM-00033
2. 3300 State Road P		4. Expiration date 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.
Festus, Missouri 63028		5. Docket No. 070-00036 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. 1,250 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)	G. Existing at the Hematite site On July 1, 2001
H. Californium 252	H. Sealed Sources	H. 23.77 micrograms

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number

SNM-00033

Docket or Reference Number

070-00036

Corrected Copy

Amendment No. 52

9. Authorized Use: Items A through E. 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:
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 a NRC-approved Decommissioning Plan:
1. Soil and groundwater remediation
  2. Final status surveys for NRC approval
  3. Subsurface disturbance to include trenching
  4. Waste treatment on-site



# **MATERIALS LICENSE SUPPLEMENTARY SHEET**

License Number

SNM-00033

Docket or Reference Number

070-00036

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Amendment No. 52

5. Staging of Material or Equipment or Waste in the Burial Pit Area except existing pads and roadways.

## CONDITIONS

10. Licensed material shall be possessed at the licensee's Hematite facilities located in Hematite, Missouri.
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.
- 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 A. 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. The licensee shall follow Revision 7 of its Fundamental Nuclear Material Control Plan, dated October 6, 2005. This Plan may be further revised in accordance with, and pursuant to, the provisions of either 10 CFR Part 70.32(c) or 70.34.
14. 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 28, 2003, and supplements dated July 14, 2003, January 26, and April 7, 2004; and as it may be further revised in accordance with the provisions of 10 CFR Part 70.32(e).
15. Licensee is hereby granted permission to demolish or dismantle buildings excluding building slabs and foundations. The licensee shall not free release any buildings that it chooses not to dismantle or demolish at this time until such activity is approved by specific license amendment or a NRC-approved Decommissioning Plan.
16. 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 5, 2004 and supplement dated December 22, 2004 (Building Demolition). Applications dated October 29, 1993 (Chapter 6), January 14 (Chapter 5), March 21 (Chapter 3), June 14, 1994 (Chapters 1 & 3); July 10, 1998 (Chapter 4); December 6, 1999 (Chapter 4); June 2,

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
**SNM-00033**Docket or Reference Number  
**070-00036**

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Amendment No. **52**

2000 (Chapter 1 & 5); August 2, 2001 (Chapters 1, 3, 4, 5, 6 & 7), August 22, 2002 (Chapters 1 & 8); and December 7, 2004 (Chapter 3), May 12, 2005 (Chapter 2) and supplement dated February 22, 2006 (Table of Contents).

- B. Letters dated September 28, November 3, and November 20, 1998 (Chapter 14); September 11, 2001; January 26, April 7, and June 29, 2004. July 22, 2005, August 31, 2005 (Environmental Report for Hematite Site Decommissioning), January 31, and March 17, 2006.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date: June 30, 2006

Andrew Persinko, Acting Deputy Director  
Decommissioning Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards



**Safety Evaluation for License Amendment No. 52 to Materials  
License No. SNM-0003  
Enclosure 2**

DOCKET NO: 070-00036

LICENSE NO: SNM-00033

FACILITY: HEMATITE FORMER FUEL FABRICATION FACILITY, FESTUS, MO.

SUBJECT: SAFETY EVALUATION REPORT FOR AUTHORIZING BUILDING  
DISMANTLEMENT AND DEMOLITION (TAC NO. L52641)

## **1. EXECUTIVE SUMMARY**

By letter dated October 5, 2004 (ML042860234, supplemented by letter dated December 22, 2004 (ML0502503470), Westinghouse Electric Company, LLC (WEC) submitted an amendment request to the U.S. Nuclear Regulatory Commission (NRC) to amend Chapter 1 of Materials License No. SNM-00033 to authorize the dismantlement and demolition of the buildings at the Hematite Facility, in Festus, Missouri.

Currently as authorized by the Materials License number SNM-00033, the Hematite Facility is undergoing 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: 1) preparation, packaging, and shipment of the remaining inventory of Special Nuclear Material and Source Material; 2) waste preparation, packaging, and shipment; and 3) equipment testing, clean-out, and decontamination in preparation for packaging and shipment. The licensee completed this work in March of 2006. Before the licensee conducts building dismantlement and demolition, it proposes to have all equipment removed from each of the buildings, except for 4 pieces of very large non uranium enrichment process equipment (hoppers, high-efficiency particulate air filter frame structure, shredder) that have been decontaminated and will be removed when the process buildings are dismantled and demolished.

The WEC's decommissioning strategy is to first conduct source reduction of material and equipment from the buildings followed by building dismantlement and demolition excluding removal of slabs and foundations followed by decommissioning under a Decommissioning Plan. The decommissioning objective of the licensee for the site is unrestricted use as defined in the License Termination Rule, Subpart E to 10 Code of Federal Regulations (CFR) Part 20. For the decommissioning of the site, a dose objective of 25 Millirem (mrem)/year (0.25 mSv/year) is the basis for demonstrating that the site can be released for unrestricted use.

The purpose of this Safety Evaluation Report (SER) is to evaluate the licensee's request to amend the license to determine whether the proposed building dismantlement and demolition activities will be conducted in a safe manner in accordance with NRC regulations. This SER has been prepared in conjunction with an Environmental Assessment (EA) (ML061170282) which evaluates the potential environmental impacts associated with this action.

## **2. FACILITY OPERATING HISTORY**

The Hematite facility is a former fuel cycle facility, located near the City of Hematite, in Jefferson County, Missouri. The Hematite facility is located approximately 3/4 of a mile northeast of the unincorporated town of Hematite and approximately 35 miles south of the City of Saint Louis, Missouri.

In the mid-1950's Mallinckrodt Chemical Works (MCW) purchased 150 acres of land from a dairy farmer. Of the 150 acres, the facility originally occupied eight acres. In March 1956, MCW began construction of the Hematite Facility and began production in July 1956. The facility continued to operate under MCW until January 2, 1959, when it was transferred to Mallinckrodt Nuclear Corporation. In September 1960, Mallinckrodt Nuclear Corporation was liquidated and the Hematite facility was transferred back to MCW. MCW operated the facility until May 1961. At this time ownership was transferred to United Nuclear Corporation. In 1970, Gulf United Nuclear Fuels Corporation (Gulf) owned and operated the Hematite Facility until the Spring of 1973. Gulf closed the plant and began decommissioning. General Atomic Company purchased the property in January 1974 and sold it to Combustion Engineering Inc. (CE) in May 1974. In 1989, Asea Brown Boveri (ABB) acquired the stock of CE and began operating the facility. In April 2000, WEC, the licensee, purchased the nuclear operations of ABB which included the Hematite Facility.

Throughout the history of the facility, various buildings were constructed and demolished or incorporated into other buildings as necessary. Primary functions at the facility throughout its history have included the manufacture of uranium metal and uranium compounds from natural and enriched uranium for use as nuclear fuel. Specifically, operations included the conversion of uranium hexafluoride gas of various uranium-235 enrichments to uranium oxide, uranium carbide, uranium dioxide pellets, and uranium metal. These products were manufactured for use by the federal government and government contractors and by commercial and research reactors approved by the Atomic Energy Commission. Research and development and uranium scrap recovery processes were conducted at the Hematite facility. During the period prior to CE's purchase of the facility in 1974, government projects dominated the operations of the site. Much of the work was classified and because of this, the licensee states that specific details regarding the exact nature of the processes are not known.

## **3. FACILITY DESCRIPTION**

The buildings at the Hematite facility are of differing sizes and are constructed from a combination of materials. The majority of the buildings are constructed of concrete block, but some are constructed of wood and steel. Table 4, Hematite Building Description, of the Environmental Report for Building Demolition at the Hematite Facility (ML051310063), provides a detailed summary of each building's construction materials and openings. It should be noted that some of the buildings have multiple floors and contain different numbers of rooms. Furthermore, most of the process buildings are interconnected.

Specifically, the licensee requests authorization to dismantle and demolish Hematite facility buildings 101, 110, 115, 120, 230, 231, 235, 240, 245, 252, 253, 254, 255, 256, 260 and 261, all located on approximately 10-20 acres of land at the licensee's Hematite facility.

#### **4. RADIOLOGICAL STATUS OF FACILITY**

The Hematite radioactive contamination at the Hematite consists of soils and building and equipment contaminated with uranium, fission products, and by-product material from licensed operations that occurred from the mid 1950's until 2001.

The NRC staff has reviewed the information in the Environmental Report for the Building Demolition of the Hematite Facility (ML051310063), the Building Demolition Evaluation Technical Report (ML050250347), and building radiological survey records prior to the fixative application (lock down) at the Hematite Facility during a site visit on April 24-26, 2006, according to the Consolidated NMSS Decommissioning Guidance, Volume 1, Section 16.4 (Facility Radiological Status). Based on this review, NRC staff has determined that the licensee has described the types and activities of radioactive material contamination at the site sufficiently to allow NRC staff to evaluate the potential safety issues associated with building dismantlement and demolition of the facilities on site. Also, the staff has determined that the remediation activities and radiation control measures proposed by the licensee are appropriate for the type of radioactive material present at the site and the licensee's waste management practices are appropriate.

#### **5. PLANNED DECOMMISSIONING ACTIVITIES**

The NRC staff has reviewed the information in the Environmental Report for the Building Demolition of the Hematite Facility (ML051310063) and the Building Demolition Evaluation Technical Report (ML050250347) according to the Consolidated NMSS Decommissioning Guidance, Volume 1, Section 17.1 (Planned Decommissioning Activities). Based on this review, NRC staff has determined that the licensee has provided sufficient information to allow NRC staff to conclude that the licensee's planned building dismantlement and demolition activities can be conducted in accordance with NRC requirements.

#### **6. HEALTH AND SAFETY DURING BUILDING DISMANTLEMENT AND DEMOLITION**

The NRC staff has reviewed the occupational and public health and safety information in sections 3, 4 and 5 of the Environmental Report for the Building Demolition of the Hematite Facility (ML051310063) and the Building Demolition Evaluation Technical Report (ML050250347). The staff concluded that there will be no significant surface disturbances and there will not be any subsurface soil disturbances as the buildings are proposed to be removed to grade and the concrete slab or foundation will remain in place.

## **7. NUCLEAR CRITICALITY SAFETY DURING BUILDING DISMANTLEMENT AND DEMOLITION**

The NRC staff has reviewed the nuclear criticality safety information in the Building Demolition Evaluation Technical Report (ML050250347) and WEC's response (ML060800265) to Request for Additional Information (RAI) on Nuclear Criticality Safety (NCS) during building dismantlement and demolition according to the definition of Special Nuclear Material found in 10 CFR Part 70.4. Staff evaluated the information and determined that there is no NCS concern for the building demolition activities because the total residual mass of  $\text{UO}_2$  in the buildings (i.e., 5 kg  $\text{UO}_2$ ) is less than the favorable geometry mass limit in the license application (i.e., 16 kg  $\text{UO}_2$ ). Also, NRC staff determined that the licensee is not required to have a criticality accident alarm system for building demolition because the conservative estimate of mass of  $\text{U}^{235}$  in the buildings (i.e., 250 grams  $\text{U}^{235}$ ) is less than the action limit in 10 CFR Part 70.24 (i.e., 700 grams of  $\text{U}^{235}$ ). Thus, NRC staff has determined that the licensee has provided sufficient information to conclude that there is reasonable assurance of safety for NCS during building dismantlement and demolition activities.

## **8. ENVIRONMENTAL MONITORING AND CONTROL PROGRAM**

The NRC staff has reviewed the environmental measurements and monitoring program information in Section 6.0 of the Environmental Report for the Building Demolition of the Hematite Facility (ML051310063), the Building Demolition Evaluation Technical Report (ML050250347), DO-05-001, Rev 0, "Environmental Report for Hematite Site Decommissioning (ML052580255) and WEC's responses (ML052140426 and ML060330438) to RAI letters on environmental monitoring and control, according to the Consolidated NMSS Decommissioning Guidance, Volume 1, Section 17.4 (Environmental Monitoring and Control Program). Based on this review, NRC staff has determined that the licensee has provided sufficient information on its environmental as low as reasonably achievable evaluation program, effluent monitoring program, and effluent control program to allow NRC staff to conclude that the licensee will comply with 10 CFR Part 20.

## **9. RADIOACTIVE WASTE MANAGEMENT PROGRAM**

The NRC staff has reviewed the waste management information sections 3 and 4 of the Environmental Report for the Building Demolition of the Hematite Facility (ML051310063) and the Building Demolition Evaluation Technical Report (ML050250347) according to the Consolidated NMSS Decommissioning Guidance, Volume 1, Section 17.5 (Radioactive Waste Management Program). Based on this review, NRC staff has determined that the licensee's programs for the management of radioactive waste generated during building dismantlement and demolition activities ensure that the waste will be managed in accordance with NRC requirements and in a manner that is protective of the public health and safety.

## **STATE CONSULTATION**

The Missouri Department of Natural Resources was notified on April 28, 2006, of the proposed license amendment to incorporate the Plans into the license and it did not object.

## **CONCLUSIONS**

Based on the considerations discussed above, NRC staff concludes that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed building dismantlement and demolition activities; and (2) such activities will be conducted in compliance with NRC regulations.



## REFERENCES

1. Letter from Karen Ann Craig, Westinghouse Electric Company LLC to Amir Kouhestani, NRC, Request for Amendment to Chapter 1 of SNM-33, dated October 5, 2004 (ML042860234).
2. Environmental Report for Building Demolition at the Hematite Facility, DO-04-007, Rev. 0, Westinghouse Electric Company, LLC (ML042860234).
3. U.S. NRC, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," NUREG-1748, August 2003.
4. Letter and Technical Report from Karen Ann Craig, Westinghouse Electric Company, LLC to Amir Kouhestani, NRC, Submittal of Building Demolition Evaluation, dated December 22, 2004 (ML0502503470 and ML050250347).
5. U.S. NRC, "Consolidated NMSS Decommissioning Guidance, Decommissioning Process for Materials Licensees," NUREG-1757, Vol. 1, 2, and 3, September 2003.
6. Materials License Number SNM-00033
7. Hematite Former Fuel Cycle Facility Decommissioning Historical Site Assessment, DO-02-001, Rev. 0, May 2003.
9. Engineering Evaluation and Cost Analysis for Removal on Buildings and Equipment at the Westinghouse Former Fuel Cycle Facility Site Festus, Missouri, DO-04-007, Rev. 0
10. U.S. NRC, "Radiological Criteria for License Termination," 10 CFR Part 20, Subpart E, 62 Federal Register 139, July 21, 1997.
11. U.S. NRC, Standards for Protection Against Radiation, Subpart B, Radiation Protection Programs, 10 CFR 20 Appendix B.
12. Letter from U.S. NRC to WEC, RAI Related to Environmental Monitoring and Control, dated June 28, 2005 (ML051720051).
13. Letter from WEC to U.S. NRC, Responding to the June 28, 2005 RAI Related to Environmental Monitoring and Control, dated July 22, 2005 (ML052140426).
14. Letter from U.S. NRC to WEC, RAI Related to Environmental Monitoring and Control to WEC, dated December 23, 2005 (ML053330236).
15. WEC Technical Report to NRC, DO-05-001, Environmental Report for Hematite Site Decommissioning dated August 31, 2005 (ML052580255)

16. Letter from WEC to U.S. NRC, Responding to the December 23, 2005 RAI Related to Environmental Monitoring and Control, dated January 31, 2006 (ML060330438).
17. Letter from U.S. NRC to WEC, RAI Related to Building Nuclear Criticality Safety, dated March 2, 2006 (ML060540109).
18. Letter from WEC to U.S. NRC, Responding to the March 2, 2006 RAI Related to Building Nuclear Criticality, dated March 17, 2006 (ML060800265).
19. NRC, Final Draft EA letter to State of Missouri Department of Natural Resources, to Ben Moore, from Amy M. Snyder dated April 28, 2006 (ML061170223).
20. State of Missouri Department of Natural Resources letter to Amy M. Snyder, dated May 11, 2006 (ML061560372).
21. Federal Register Notice of License Amendment Request of Westinghouse Electric Company, LLC, Festus, MO, and Opportunity to Request a Hearing (69 FR67187) (ML043000467).
22. Environmental Assessment for Request for Building Dismantlement and Demolition at the Hematite Facility, June 2006 (ML061170282).
23. Federal Register Notice of EA and a Finding of No Significant Impact (Volume 71, Number 125, pages 37124-37129) for the Hematite Building Dismantlement and Demolition, June 29, 2006. (ML061560416).