

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

SUBJECT: BURIAL PIT AREA WORK (TAC NO. L52692)

Dear Mr. Hackmann:

During the staff's development of the general request for additional information (ML061940163) for the June 8, 2006 request (ML061630034), staff noted statements that Westinghouse Electric Company LLC (WEC) made about the U.S. Nuclear Regulatory Commission's (NRC's) concurrence on a document that WEC voluntarily developed for the State of Missouri. We are writing you to ensure that WEC understands NRC's licensing requirements with regard to the burial pit area.

Specifically, on page 5 of 40, of Enclosure 2 of the June 8, 2006 submittal to the NRC, WEC states that it developed a Remedial Investigation/Feasibility Study (RI/FS) Work Plan, dated May 2003, and that it was conditionally approved by the Missouri Department of Natural Resources (MDNR). WEC states that as a condition of MDNR approval of the RI/FS Work Plan, concurrence of the NRC is to be obtained before exploratory trenches were excavated in the Burial Pit area. In 2002, after receiving an informal copy of the Draft RI/FS work plan, the NRC notified WEC that we will not be reviewing and did not concur on the RI/FS work plan (ML021080321).

As you know, work involving licensed material must be done in accordance with Materials License Number SNM-00033. The June 8, 2006 license amendment request, if approved will be incorporated into the license. It is important that WEC understand that if the work described in the May 2003 RI/FS Work Plan, which was approved by MDNR, is inconsistent with Materials License Number SNM-00033 and it is implemented, then WEC could be in violation of its license.

Also, the staff wants to ensure that it understands the scope of WEC's June 8, 2006 request. WEC states on page 5 of 40, of Enclosure 2 of its June 8, 2006 submittal to the NRC that "The work described herein will be performed as part of Westinghouse's overall program to remediate the Hematite site in accordance with the National Contingency Plan and is part of Westinghouse's plan to decommission the plant and terminate its special nuclear materials license (SNM-33) with the NRC." It appears that the June 8, 2006 license amendment request does not cover remediation of the burial pits. Staff understands that WEC is addressing burial pit remediation in the Decommissioning Plan license amendment request. Furthermore, "installation of test pits" and associated trenching are not covered under the current license and

do not appear to be described as part of the license amendment application package that WEC submitted on June 8, 2006 (ML061630034). If WEC wants to add to the scope of the June 8, 2006 license amendment request, WEC must formally request to do so and provide detailed information on the new scope and clarify the scope of its Decommissioning Plan license amendment request in order that staff can review and evaluate them through the licensing process.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of the letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Record component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html> (The Public Electronic Reading Room).

Please direct any questions concerning above to me at (301) 415-8580 or ams3@nrc.gov.

Sincerely,

Amy M. Snyder, Senior Project Manager
Materials Decommissioning
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 070-00036

License No.: SNM-00033

cc: A. J. Nardi, Chairman, Project Oversight
T. Chance, Radiation Safety Officer
B. Moore, Project Manager, Missouri Department of Natural Resources

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