

October 1, 2009

Charlie Scott, Field Supervisor
U.S. Fish and Wildlife Service
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

SUBJECT: REQUEST FOR INFORMATION REGARDING ENDANGERED SPECIES AND
CRITICAL HABITAT FOR THE PROPOSED DISPOSAL OF LOW ACTIVITY
RADIOACTIVE WASTES FROM THE WESTINGHOUSE ELECTRIC COMPANY
HEMATITE DECOMMISSIONING PROJECT

Dear Mr. Scott,

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Special Nuclear Materials License No. SNM-00033, which was issued to Westinghouse Electric Company, LLC (WEC) for the Hematite fuel cycle facility in Hematite, Missouri. The purpose of the amendment is to authorize disposal of approximately 23,000 m³ of soil and debris containing low concentrations of byproduct material and special nuclear material (SNM) at the US Ecology Idaho, Inc (USEI) Resource Conservation and Recovery Act Subtitle C disposal facility near Grand View, Idaho. WEC has requested authority for this action pursuant to Section 20.2002 of Title 10 of the Code of Federal Regulations (10 CFR 20.2002), "Method of Obtaining Approval of Proposed Disposal Procedures." This action, if approved, would also exempt USEI from further Atomic Energy Act and NRC licensing requirements to possess and dispose of byproduct and SNM.

This letter is in reference to the action area in the vicinity of the Hematite facility. A figure that shows the location of the Hematite facility is enclosed. It is located in Jefferson County, Missouri, approximately three quarter miles northeast of the unincorporated town of Hematite, Missouri, four miles southwest of the town of Festus, Missouri, and 35 miles south of the city of St. Louis, Missouri. The address is:

3300 State Road P
Festus, Missouri 63028

By letter dated December 10, 2004, your office stated that a Fish and Wildlife Service (FWS) evaluation and search of existing information indicates that no federally listed, proposed, or candidate species or critical habitat occurs on or near the project site. NRC requests confirmation that the findings of the FWS December 2004 evaluation and search are current.

After assessing the information provided by you, we will determine what additional actions are necessary to comply with the Section 7 consultation process.

C. Scott

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

If you have any questions, please contact me at (301) 415-5928.

Sincerely,

/RA/

John J. Hayes, Sr. Project Manager
Decommissioning and Uranium Recovery
Licensing Directorate
Materials Decommissioning Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

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

Enclosure: Figure 1-3, Site Map

cc:
Westinghouse - Hematite Service List

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Enclosure

**Figure 1-3 Site Map
Hematite Site
Festus, MO**