

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and the applicable parts of Title 10, Code of Federal Regulations, Chapter I, Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 51, 70, and 71, and in reliance on statements and representations heretofore made by the licensee, a licensee 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-00033
2.	3300 State Road P Festus, Missouri 63028	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.
		5.	Docket or Reference Number	070-00036
6.	Byproduct, Source, and/or Special Nuclear Material: Special Nuclear Material	7.	Chemical and/or Physical Form: Any	8. Maximum Amount that Licensee May Possess at Any One Time Under This License: No Limit

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

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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

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4. Waste treatment on-site
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. The licensee is hereby granted the special authorizations in Chapter 1, Section 1.6(a) through 1.6(h) of the renewal application.
12. The licensee shall follow Revision 9 of its Fundamental Nuclear Material Control Plan, dated February 6, 2009. 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.
13. The licensee shall follow the physical protection plan entitled, "Physical Security Plan" Revision 9, Westinghouse document No.: PO-GM-006 (undated) transmitted by letter dated January 28, 2003, and supplements dated July 14, 2003, January 26, April 7, 2004; March 10, 2009 and July 15, 2009 and as it may be further revised in accordance with the provisions of 10 CFR Part 70.32(e).
14. 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.
15. 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, 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 expect for Sections 2.1- 2.3), February 22, 2006 (Table of Contents), and May 22, 2009 (Chapter 2 Sections 2.1- 2.3 only).

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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, March 17, 2006, and March 23, 2006.

16. Notwithstanding the commitment in Section 5.2.1 of the Fundamental Nuclear Material Control (FNMC) Plan identified in License Condition 13 to perform a physical inventory at least every 12 months, the licensee shall have an additional 45 days to fulfill the commitments relative to the annual inventory identified in Westinghouse Hematite's February 23, 2009, letter. The 45 day period begins on the date of the letter in which NRC informs Westinghouse-Hematite that NRC has no objection to entering the facility processing building that was addressed in NRC's Confirmatory Action Letter No. 3-08-005, dated December 15, 2008.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date: 04/07/2010

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

