



Westinghouse Electric Company LLC
Hematite Decommissioning Project
3300 State Road P
Festus, MO 63028
USA

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Direct tel: 314-810-3368
Direct fax: 636-937-6380
E-mail: hackmack@westinghouse.com
Our ref: HEM-11-28
Date: March 18, 2011

ATTN: C. A. Lipa, Chief
Materials Control, ISFSI and Decommissioning Branch
U.S. Nuclear Regulatory Commission, Region III
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

Subject: Forwarding for Information the Missouri Department of Natural Resources
Authorization to Operate the Hematite Water Treatment System
(License No. SNM-00033, Docket No. 070-00036)

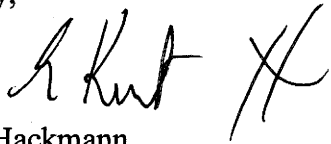
Reference: 1) MDNR (Struckhoff) letter to Westinghouse, dated February 16, 2011,
forwarding Construction Permit for Westinghouse Electric Company LLC
2) E-mail from MDNR (Gilstrap, MDNR Project Manager) to Westinghouse
(Harris, Hematite EH&S Manager), dated February 18, 2011, "WPC and
water treatment system"
3) Westinghouse (E. K. Hackmann) letter to Missouri Department of Natural
Resources (S. Lang), HEM-11-21, dated February 25, 2011, "Notification to
MDNR of Completion of Construction of the Water Treatment Facility (CP-
0000937), 3300 State Road P, Festus, MO 63028"

In a routine discussion between Region III of the U.S Nuclear Regulatory Commission (NRC) and Westinghouse, NRC Region III requested for information purposes that a copy of the Missouri Department of Natural Resources (MDNR) authorization for operation of the new Water Treatment System (WTS) be provided following its receipt. As provided in References 1 and 2, MDNR has authorized construction and operation of the WTS. Reference 3 is the Westinghouse acknowledgement of that authorization. References 1, 2 and 3 are provided for your information as Attachments 1, 2 and 3.

The MDNR authorization was expected to be in the form of a permit. MDNR has delayed issuing the new Hematite operational permits (NPDES, WTS, etc.) because of policy matters regarding E. coli sampling of treated sanitary waste water, MDNR has authorized operation of the Hematite WTS without issuing a new permit, since the WTS is not designed to treat sanitary water. The authorization is acceptable because the WTS uses an existing outfall already covered by the existing permit.

Please contact Kevin Harris, Environmental Health and Safety Manager of my staff at 314-810-3375 should you have questions or need any additional information.

Sincerely,



E. Kurt Hackmann
Director, Hematite Decommissioning Project

Attachments: 1) MDNR Construction Permit
2) MDNR Email, WPC and Water Treatment System
3) HEM-11-21, Notification to MDNR of Completion of Construction of the
Water Treatment Facility

cc: C. Lipa, R-III/DNMS/MCID, w/ attachments
J. J. Hayes, NRC/FSME/DWMEP/DURLD, w/ attachments
J. W. Smetanka, Westinghouse, w/ attachments
J. E. Tapp, NRC Region III/DNMS/MCID, w/ attachments

ATTACHMENT 1

MDNR Construction Permit

(3 pages)

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

February 15, 2011

Westinghouse Electric Co., LLC
3300 State Road P
Festus, MO 63028

Dear Permittee:

Plans and specifications submitted by Westinghouse Electric Co., LLC for decommissioning storm water to serve 3300 State Road P in Hematite, Missouri, have been reviewed and approved by the Missouri Department of Natural Resources, as evidenced by Construction Permit Number CP-0000937, which is enclosed with this letter. This permit authorizes construction of the facilities described on the permit and is issued in accordance with regulations of the Clean Water Commission. Approval of the Department of Natural Resources must be obtained prior to making any changes in the plans and specifications for the work described in the permit. This permit will terminate by its own terms one year from the date of issuance unless justification is presented for extension at least 30 days prior to expiration. The applicant must contact the Water Protection Program, the Air Pollution Control Program, the Solid Waste Management Program, and the Land Reclamation Program, to apply for, and obtain any necessary permits for this facility as required by laws and regulations administered by those programs.

If you were affected by this decision, you may appeal to have the matter heard by the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.

RECOMMENDATIONS: See enclosed Missouri Department of Natural Resources Regulation 10 CSR 20-8.120(11).

COMMENT: Construction of any new water facility or water line extension requires a separate construction permit from the Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102, (573) 751-5331.

If you have any questions about this permit, please call the St. Louis Regional Office at (314) 416-2960 or by mail to 7545 South Lindbergh Blvd., Suite 210, St. Louis, MO 63125.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Mike Struckhoff
Regional Director

MS/SL/jh



Enclosure

STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



CP-0000937
Jefferson County (WP)
Westinghouse Electric Co., LLC
Storm Water Treatment

CONSTRUCTION PERMIT

The Missouri Department of Natural Resources hereby issues a permit to:

Westinghouse Electric Company, LLC, 3300 State Road P, Festus, MO 63028

For the construction of (described facilities):

See Page Two

Permit Conditions:

See Page Two

Construction of such proposed facilities shall be in accordance with the provisions of the Missouri Clean Water Law, Chapter 644, RSMo, and regulation promulgated thereunder, or this permit may be revoked by the Department of Natural Resources.

As the Department of Natural Resources does not examine structural features of design or the efficiency of mechanical equipment, the issuance of this permit does not include approval of these features.

A representative of the department may inspect the work covered by this permit during construction. Issuance of a Permit to Operate by the department will be contingent on the work substantially adhering to the approved plans and specifications.

This permit applies only to the construction of water pollution control components; it does not apply to other environmentally regulated areas.

February 15, 2011
Effective Date

February 14, 2012
Expiration Date

Sara Parker Pauley, Director, Department of Natural Resources

Mike Struckhoff, Director, St. Louis Regional Office

For the construction of:

Modification of an existing storm water outfall by the addition of a 20,000 gallon primary settling tank, three 20,000 gallon flocculation tanks in series, four parallel bag filters, two parallel set of two series carbon adsorption tanks, four parallel bag filters, two ion exchange units, a 20,000 gallon final effluent tank, a 100 GPM recycle/effluent pump, with all the necessary appurtenances to make the facilities complete and usable to treat storm water collected from the building demolition during decommissioning activities with an average design flow of 144,000 gallons per day. This discharge will be through Outfall #003 of the existing NPDES Permit (MO-0000761) to unnamed tributary to Joachim Creek in the NE ¼ of the SW ¼, of Section 29, Township 40N, Range 5E, Jefferson County, MO. (MO-0000761)

Permit Conditions:

In addition to the requirements for a construction permit, land disturbance activities of one acre or more requires a Missouri State Operating Permit to discharge storm water (10 CSR 20-6.200). The permit requires Best Management Practices sufficient to control runoff and sedimentation to protect waters of the state. To obtain this permit, submit Missouri Forms E and G and a permit fee of \$300 to the Missouri Department of Natural Resources, St. Louis Regional Office, Permits Section, 7545 S. Lindbergh Blvd., Suite 210, St. Louis, MO 63125.

A U.S. Army Corps of Engineers permit (404) or permit waiver and a Water Quality Certification (401) issued by the Department of Natural Resources or permit waiver may be required for the activities described in this permit. This permit is not valid until these requirements are satisfied. If construction activity will disturb any land below the ordinary high water mark of Jurisdictional Waters of the U.S. then a 404/401 will be required. Since the U.S. Army Corps of Engineers (COE) makes determinations on what is jurisdictional, you must contact the COE to determine permitting requirements. You may call the Water Pollution Branch/Certification Unit at (573) 751-1404 or the Department of Natural Resources' St. Louis Regional Office at (314) 416-2960 for more information.

On the basis of the application for construction permit, a public notice of Missouri Operating Permit pending has been issued by the agency. The public notice expired on January 2, 2011, with no adverse comments being received by the agency.

SL/jh

ATTACHMENT 2

MDNR Email: WPC and Water Treatment System

(1 page)

Harris, Kevin M. (SAIC)

From: Gilstrap, Eric [eric.gilstrap@dnr.mo.gov]
Sent: Friday, February 18, 2011 3:16 PM
To: Harris, Kevin M. (SAIC)
Cc: Crawford, Curtis W
Subject: WPC and water treatment system

Steve said he does want to come see the treatment system, but it will be a week or two till he has the opportunity. **Meanwhile, if you get reach a point in-which you need to begin using it...we prefer that you do go ahead and put it into service.**

There are a variety of factors that do make this appropriate for this case.

Steve also said that when he comes to visit you, he will at that time work with you on a schedule for the permit renewal.

When the renewal does happen, there will be some modifications of the permit to specifically address treating investigation derived waste, water related to the excavation activities, and pumping of some of the wells to see if it helps with contamination reduction.

Also, please consider looking into now is this:

Steve said Water Pollution Control will be asking for some means to demonstrate that chemicals used in flocculation aren't accidentally overused and ending up in the discharge. He said, that with some proprietary chemicals...coming up with something to test for...can be hard and he's OK with using some other indicator or surrogate other than the active ingredient if the need arises.

Though we are not this making an enforceable requirement of you now to begin use of the plant during the building demo...whatever you can do on your own to study this and get data during the building demo work would be really good. Having a proven method with data from your site will help with the renewal a LOT. And he would like you to have a method of proof that you prefer, works well, so he can bring it to the table in working on getting your renewal done.

ATTACHMENT 3

HEM-11-21 Notification to MDNR of Completion of Construction of the Water Treatment Facility

(2 pages)

Westinghouse Non-Proprietary Class 3



Westinghouse Electric Company LLC
Hematite Decommissioning Project
3300 State Road P
Festus, MO 63028
USA

Steve Lang
State of Missouri – Department of Natural Resources
St. Louis Regional Office
7545 S. Lindbergh Boulevard Suite 210
St. Louis, MO 63125

Direct tel: 314-810-3368
Direct Fax: 636-937-6380
Email: hackmaek@westinghouse.com
Our ref: HEM-11-21
Date: February 25, 2011

Subject: Notification to MDNR of Completion of Construction of the Water Treatment Facility (CP-0000937), 3300 State Road P, Festus, MO 63028

References:

- 1) MDNR (S. Lang) letter to Westinghouse Electric Company LLC, Construction Permit CP-0000937, dated February 15, 2011 (HEM-11-MDNR-0215-52)
- 2) E-mail from MDNR (Gilstrap, MDNR Project Manager) to Westinghouse (Harris, Hematite EH&S Manager), dated February 18, 2011

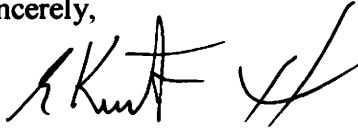
Dear Mr. Lang:

Please be advised that Westinghouse Electric Company LLC (Westinghouse) has completed the construction of the modification of the existing storm water outfall as described in CP-0000937 (Reference 1) and is ready for media fill and operation. The modification of the outfall was the addition of a 20,000 gallon primary settling tank, three 20,000 gallon flocculation tanks in series, four parallel bag filters, two parallel sets of two series carbon absorption tanks, four parallel bag filters, two ion exchange units, a 20,000 gallon final effluent tank, and a 100 GPM recycle/effluent pump, with all the necessary appurtenances to make facilities complete and usable to treat water during decommissioning activities with an average design flow of 144,000 gallons per day. This discharge will be through Outfall #003 of the existing NPDES permit (MO-0000761) to an unnamed tributary to Joachim Creek in the NE ¼ of the SW ¼ of Section 29, Township 40N, Range 5E, Jefferson County, MO. (MO-0000761).

Westinghouse understands that MDNR will inspect the system to confirm the work substantially adhered to the approved plans and specifications contained within CP-0000937 at a later date, but Westinghouse is currently authorized by email (Reference 2), to put the system into operation. The future inspection will be coordinated with the revision to the current NPDES permit, which is due for renewal this month, and will cover the continued operation and effluent discharge of this system.

If you have any questions or are in need of any additional information, please feel free to contact Kevin Harris, Environmental Health & Safety Manager at (314) 810-3375.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Kurt Hackmann". The signature is stylized with a large initial "E" and a long horizontal stroke.

E. Kurt Hackmann
Director, Hematite Decommissioning Project

cc: K. Harris, Westinghouse
M. Gutman, Westinghouse
G. Rood, Westinghouse
K. Davis, Westinghouse
A. Noack, Westinghouse