

October 27, 2011

Mr. E. Kurt Hackmann
Director, Hematite Decommissioning Project
Westinghouse Electric Company
3300 State Road P
Festus, MO 63028

SUBJECT: ISSUANCE OF HEMATITE AMENDMENT NO. 58 APPROVING
WESTINGHOUSE HEMATITE REQUEST FOR ALTERNATE DISPOSAL OF
SOIL AND DEBRIS AND GRANTING EXEMPTIONS TO 10 CFR 30.3 AND
10 CFR 70.3

Dear Mr. Hackmann:

By letter dated May 21, 2009, Westinghouse Electric Corporation, LLC (WEC) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request for alternate disposal under 10 CFR 20.2002 of approximately 20,000 m³ (30,000 yd³) of waste containing low-activity radioactive materials from the Hematite Decommissioning Project (HDP), License No. SNM-33. Your submittal indicated that the waste would contain source, byproduct, and special nuclear materials. In addition, your submittal contained a proposal to dispose of the material at the US Ecology Idaho (USEI) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous disposal facility located near Grand View, Idaho, and also requested exemptions from the NRC requirements in 10 CFR 30.3 and 10 CFR 70.3. While Idaho is not an NRC Agreement State, Idaho regulations and the Grand View facility permit provide for the acceptance of the material to be disposed based upon NRC approval of the exemptions that WEC has requested.

By this letter, the NRC is approving (license amendment No. 58) your alternate disposal request and the requested exemptions with the condition noted below:

18. Pursuant to 10 CFR 20.2002, the licensee may dispose of solid materials (22,809 m³ of soils and associated debris) provided the total inventory of Tc-99 based on the average concentration and total mass shipped remains below 1 Ci or 1.6 Ci based upon the 95th upper confidence limit as waste at the U.S. Ecology Idaho facility in Grand View, ID. Pursuant to 10 CFR 30.11 and 10 CFR 70.17, this material is exempt from the requirements in 10 CFR 30.3 and 10 CFR 70.3.

The basis for the NRC's approval is provided in the enclosed Safety Evaluation Report (SER). Associated with the enclosed SER, the staff evaluated the environmental impacts of approving the alternate disposal and the exemptions. The staff has determined that approving the alternate disposal and granting these exemptions would not result in any significant environmental impacts. For this action, an Environmental Assessment and Finding of No Significant Impact (ML112350725) were prepared and published in the *Federal Register*. These documents were transmitted to you previously.

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>.

Please contact John Hayes if you have any questions concerning the above. He can be reached at (301) 415-5928 or via email at john.hayes@nrc.gov.

Sincerely

/RA/

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

Docket No.: 70-36
License No.: SNM-33

Enclosures:
10 CFR 20.2002 Alternate Disposal SER
Hematite Amendment No. 58

cc: Westinghouse – Hematite Service List

E. Hackmann

2

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