

June 27, 2013

Mr. Shannon Cave  
Missouri Department of Conservation  
Policy Coordination Section  
P. O. Box 180  
Jefferson City, MO 65102-0180

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. Cave:

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 22,000 m<sup>3</sup> of soil and soil-like waste 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 for 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 quarters of a mile 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, MI 63028

On October 2, 2009, we requested information (NRC ADAMS Accession Number ML092680715) from the U. S. Fish and Wildlife Service (FWS). They responded on December 22, 2009, that "No Federally-listed threatened or endangered species (including those species proposed for listing) or critical habitat (designated or proposed) occurs near the project area outlined on the map provided with [this] letter." Their letter also suggested that the NRC contact your agency concerning Missouri Species of Conservation Concern. By this letter we are requesting that you provide us any species of concern. A similar inquiry was made to the Missouri Department of Conservation (MDC) on March 19, 2010, regarding a previous request by WEC to dispose of soil and debris at USEI (ML100760452). A Heritage

Review Report dated March 25, 2010 (ML101040849), was received from MDC in response to NRC's request. This report indicated that, for Level 3 (Federal-listed) and Level 2 (State-listed) issues, "heritage records identify no wildlife preserves, no designated wilderness areas or critical habitats, no State or Federal endangered-list species records within two miles of the plant, or downstream until the confluence with the Mississippi River." Additional Level 1 recommendations for unlisted species/habitats tracked due to their rarity were provided along with general recommendations related to this project or site based on information about the historic range of species. The previously received Heritage Review Report may be applicable to this current inquiry, as the geographical boundaries of WEC's decommissioning project have not changed. However, we want to extend an opportunity to MDC to address any updates to the previous responses or to provide additional information. We will presume that you have no comments or additional information if none are received within 30 days.

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  
Materials Decommissioning Branch  
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. 070-00036  
License No: SNM-00033

Enclosure: Figure 1-3, Site Map

cc: Westinghouse - Hematite Service List

Review Report dated March 25, 2010 (ML101040849), was received from MDC in response to NRC's request. This report indicated that, for Level 3 (Federal-listed) and Level 2 (State-listed) issues, "heritage records identify no wildlife preserves, no designated wilderness areas or critical habitats, no State or Federal endangered-list species records within two miles of the plant, or downstream until the confluence with the Mississippi River." Additional Level 1 recommendations for unlisted species/habitats tracked due to their rarity were provided along with general recommendations related to this project or site based on information about the historic range of species. The previously received Heritage Review Report may be applicable to this current inquiry, as the geographical boundaries of WEC's decommissioning project have not changed. However, we want to extend an opportunity to MDC to address any updates to the previous responses or to provide additional information. We will presume that you have no comments or additional information if none are received within 30 days.

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  
Materials Decommissioning Branch  
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. 070-00036  
License No: SNM-00033

Enclosure: Figure 1-3, Site Map

cc: Westinghouse - Hematite Service List

DISTRIBUTION: J. Tapp RIII

**ML13175A101**

<b>OFC</b>	DURLD	DURLD	DURLD	DURLD
<b>NAME</b>	JClements	TMoon	MNorato	JHayes
<b>DATE</b>	6/ 24/13	6/24/13	6/25/13	6/27/13

OFFICIAL RECORD COPY

Westinghouse - Hematite Service List  
cc:

Alex S. Polonsky  
Morgan Lewis, Esq.  
Morgan, Lewis & Kocjus LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

R. Budd Haemer  
Shaw Pittman, LLP  
2300 N Street, NW  
Washington, DC 20037-1128

Clarissa Eaton  
Community Involvement Coordinator  
The Joachim Watershed Community  
Advisory Group at Hematite, Missouri  
3419 Kathleen Drive  
Festus, MO 63028-3333

Ramona J. Huckstep  
Community Relations Coordinator  
Missouri Department of Natural Resources  
Hazardous Waste Program  
State of Missouri  
P.O. Box 176  
Jefferson City, MO 65103-0176

Kent Bradford, Chairman  
Hematite Project Oversight Comm.  
Western Zirconium  
10000 West 900 South  
Ogden, UT 84404-9760

Eric Gilstrap  
Environmental Engineer  
Department of Natural Resources  
Federal Facilities Section  
State of Missouri  
917 N. Highway 67, Suite 104  
Florissant, MO 63031

Kathleen M. Waltz  
The Honorable Russ Carnahan  
517 Bailey Road  
Crystal City, MO 63019

Aaron Schmidt, Chief  
Federal Facilities Section  
Department of Natural Resources  
State of Missouri  
P.O. Box 176  
Jefferson City, MO 65103-0176

Glenda Miller, Director  
Division of Community and Public Health  
Missouri Department of Health & Senior  
Services  
930 Wildwood  
P.O. Box 570  
Jefferson City, MO 65102-0570

Dennis Diehl  
Jefferson County Department of Public  
Health  
405 Main Street  
P.O. Box 437  
Hillsboro, MO 63050

Patrick Lamping  
Jefferson County Council Board of  
Executives  
P.O. Box 100  
Hillsboro, MO 63050

Chuck Banks  
Jefferson County Council Board of  
Executives  
P.O. Box 100  
Hillsboro, MO 63050

Edward L. Kemp  
Jefferson County Council Board of  
Executives  
P.O. Box 100  
Hillsboro, MO 63050

Daniel Schuette, Director  
Division of Environmental Quality  
Department of Natural Resources  
State of Missouri  
P.O. Box 176  
Jefferson City, MO 65102

Mark N. Templeton, Director  
Department of Natural Resources  
State of Missouri  
P.O. Box 176  
Jefferson City, MO 65103-0176

Branden Doster  
Operating Facilities Unit Chief  
Federal Facilities Section  
Department of Natural Resources  
State of Missouri  
P.O. Box 176  
Jefferson City, MO 65102-0176

Michele M. Gutman  
Westinghouse Electric Company LLC  
4350 Northern Pike  
Monroeville, PA 15146-2886

Terry Draper  
Festus City Administrator  
Festus City Hall  
711 West Main  
Festus, MO 63028

Wm. Earl Cook, Sr  
Mayor, Festus City  
Festus City Hall  
711 West Main  
Festus, MO 63028