

April 29, 2015

Mr. Joseph J. Weismann, CHP
Vice President, Radiological Programs and Field Services
U.S. Ecology, Inc.
251 E. Front Street
Suite 400
Boise, ID 83702

SUBJECT: ISSUANCE OF HEMATITE AMENDMENT NO. 65 APPROVING
WESTINGHOUSE HEMATITE REQUEST FOR ALTERNATE DISPOSAL OF
SPECIFIED LOW-ACTIVITY RADIOACTIVE MATERIAL AND GRANTING
EXEMPTIONS TO 10 CFR 30.3 AND 10 CFR 70.3

Dear Mr. Weismann:

By letter dated July 11, 2014, Westinghouse Electric Corporation, LLC (WEC) submitted to the U.S. Nuclear Regulatory Commission (NRC) a request to amend the Hematite Decommissioning Project (HDP), License No. SNM-33 (Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML14193A008). This request involved increasing the volume of waste previously authorized for transfer from the HDP for alternate disposal at the U.S. Ecology Idaho (USEI) near Grand View, Idaho. This request involved an increase in the volume of waste to be disposed at USEI from 87,100 m³ to 154,909 m³. Hematite waste consists of buried debris and contaminated soil, concrete and asphalt, equipment and piping. The USEI facility is a Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous disposal facility. As USEI is not a NRC licensee and as Idaho is not an NRC Agreement State, USEI's legal ability to accept NRC-licensed material is contingent upon the NRC's approval of the exemptions from NRC regulations 10 CFR 30.3 and 10 CFR 70.3, which Westinghouse requested in its July 11, 2014 letter. If the NRC approves the 10 CFR 20.2002 alternate disposal request and the exemption requests, the NRC would amend Westinghouse's SNM-33 License Conditions 15.d and 17.

In parallel with Westinghouse's request, on August 12, 2014, USEI requested exemptions from the requirements of 10 CFR 30.3 and 10 CFR 70.3 (ADAMS Accession No. ML14272A425).

The NRC has approved Westinghouse's July 11, 2014 request, as modified by submittals dated September 25, 2014, December 19, 2014, February 18, 2015 and April 21, 2015, by issuing license Amendment No. 65 and granting the requested exemptions.

By this letter, the NRC is informing you that Westinghouse is now permitted to dispose of an additional 81,497 m³ of soil and soil like material and an additional 5,451 m³ of piping, concrete, and asphalt generated by its HDP. Although additional material is permitted to be disposed at USEI, Westinghouse remains limited in the amount of Tc-99 which may be disposed at USEI. The limits are 1.3 Ci, based on average concentration and total mass shipped or 2.05 Ci based upon the 95th percentile upper confidence limit. The above volume of material approved for disposal by this amendment is in addition to the previously approved volumes in Hematite

Amendment Nos. 58, 60 and 63. In total, Westinghouse is permitted to dispose up to 154,757 m³ of Hematite waste at USEI.

By this letter we are also informing you that USEI's requested exemptions from the NRC licensing requirement of 10 CFR 30.3 and 10 CFR 70.3 have been granted. 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 exemption requests would not result in any significant environmental impacts. A notice of availability of an Environmental Assessment (EA) and a Finding of No Significant Impact (ML15029A064) were prepared and published in the *Federal Register*. The EA was transmitted to you by letter dated April 9, 2015 (ADAMS Accession No. ML15029A068).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 Mr. 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/

Andrew Persinko, Deputy Director
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

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

Enclosures:
10 CFR 20.2002 Alternate Disposal SER

cc: Westinghouse – Hematite Service List
Joseph W. Smetanka, Westinghouse

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Andrew Persinko, Deputy Director
Division of Decommissioning, Uranium Recovery,
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Docket No.: 70-36
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Joseph W. Smetanka, Westinghouse

DISTRIBUTION:
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ML15086A425

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