

# Honeywell

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U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Director, Office of Nuclear Material Safety and Safeguards  
11555 Rockville Pike  
Rockville, MD 20852

Docket No. 40-3392; License No. SUB-526

**SUBJECT: INFORMATION ON HONEYWELL METROPOLIS WORKS (MTW) FUTURE PLANS TO DISPOSE OF MATERIAL THAT MEETS THE DEFINITION OF "UNIMPORTANT QUANTITIES" IN 10 CFR 40.13(a)**

The purpose of this letter is to inform the NRC of our future plans to dispose of materials that meet the definition of unimportant quantities (UIQ) in 10 CFR 40.13(a). Section 40.13(a) states "Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers or delivers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of 1 percent (0.05 percent) of the mixture, compound, solution or alloy. The exemption contained in this paragraph does not apply to Australian-obligated source material, nor does it include byproduct materials as defined in this part."

There are no regulatory actions or license amendments that need to be made with respect to this letter about the disposal of UIQ material. In this letter we discuss a) the types and quantities of material that are anticipated to be disposed of as UIQs of source material, b) the regulatory reviews that the NRC has previously performed related to disposing of these types of materials, and c) the current regulatory requirements related to disposing of an UIQ of source material.

The current plan is to ship UIQ materials contaminated with source material to either the US Ecology (USE) Idaho Resource Conservation and Recovery Act (RCRA) Subtitle C facility near Grand View, Idaho or the US Ecology RCRA Subtitle C facility in Belleville, MI. Disposal of this material will meet all Department of Transportation, USE, and either the state of Idaho or Michigan requirement with respect to the UIQ material. The facility permits issued to USE by the Idaho or Michigan Departments of Environmental Quality, respectively, specifically authorizes receipt and disposal of unimportant quantities of source material pursuant to 10 CFR Part 40.13. USE is authorized to dispose of low-activity radioactive materials exempt from regulation by the Atomic Energy Act of 1954, as amended (AEA), through regulatory authority provided by Idaho (or Michigan) law and regulation. Radioactive material disposal limits, radiological performance assessment and source term reporting, environmental monitoring, limitations for potential exposure to radioactive material, and closure and post-closure requirements are included in USE's RCRA Subtitle C permits and implemented through regulation by either the Idaho or Michigan Department of Environmental Quality. Honeywell MTW has in its possession, and has read, a current copy of USE's permits.

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The annual quantity of materials to be shipped by Honeywell MTW is anticipated to be around 90,000 ft<sup>3</sup> and will be consistent with USE's permits. Honeywell MTW will maintain records of all its material that will be disposed of at one or both of the USE facilities as unimportant quantities, including the dose calculations required for disposal at that facility. The records and demonstration of compliance with regulatory requirements will be maintained on site and will be available for examination by NRC inspectors.

The types of materials contaminated with source material, to be disposed of at the USE facilities include industrial scrap material (e.g., crushed metal shipping containers), contaminated debris (including paper, plastic, glass, metal, soil, or soil-like materials, etc.), and calcium fluoride.

#### **NRC REVIEWS AND REGULATORY REQUIREMENTS**

The NRC has, in the past reviewed and approved requests for disposal of material as unimportant quantities on a case-by-case basis. This was based on a proposed rule, issued in 2002 that would have modified 10 CFR 40.13 (a) to require NRC review and approval of disposal requests. The proposed rule (67 FR 167, 55175, August 28, 2002) stated "The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to require NRC approval for transfers from licensees of low concentrations of source material (less than 0.05 percent by weight) to persons exempt from licensing. The object of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety." Additionally, the FR notice stated "Several licensees have requested NRC approval to transfer less than 0.05 percent source material to exempt persons in the past several years. The Commission has made these decisions on a case-by-case basis. Pending publication of these amendments to § 40.51 as a final rule, the Commission will continue its current policy of approving requests to transfer material to exempt persons under § 40.13(a) or equivalent Agreement State regulations on a case-by-case basis."

On July 29, 2016 (FR 81 No. 146, Page 49865), the notice stated that "the NRC has decided not to proceed with this rulemaking activity because the concerns are being considered in other regulatory processes. Specifically, there is ongoing work related to SECY-03-0068, "Interagency Jurisdictional Working Group Evaluating the Regulation of Low-Level Source Material or Materials Containing Less than 0.05 Percent by Weight Concentration Uranium and/or Thorium," dated May 1, 2003 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML030920468), and recent discussions with the U.S. Environmental Protection Agency that would allow certain low-level wastes to be disposed of in Resource Conservation and Recovery Act (commonly known as RCRA) sites. In addition, the NRC has decided not to proceed with this rulemaking activity because the NRC has, on a case-by-case basis, successfully dealt with the issues this rulemaking activity would have addressed."

Based on the termination of the rulemaking and previous NRC reviews of disposal of "unimportant quantities" of material contaminated with source material at Honeywell MTW, (which were evaluated and found to be acceptable by the NRC), no regulatory review actions or license amendment are needed by the NRC for future disposal by Honeywell MTW of material meeting the definition of UIQ in 10 CFR 40.13(a).

#### **PREVIOUS NRC REVIEWS OF TRANSFERS OF UNIMPORTANT QUANTITIES**

A. Honeywell previously requested and received approval from the NRC for disposal of scrap materials under 10 CFR 40.13, "Unimportant Quantities of Source Material," including approvals, dated August 27, 1999, and July 19, 2000. On July 23, 2007 (ADAMS Accession Number ML072150208), Honeywell requested NRC's concurrence to dispose of up to 90,000 ft<sup>3</sup> of scrap material at Waste Control Specialists, Inc., located near Midland, Texas. The NRC staff approved this transfer pursuant to 10 CFR 40.13(a) on October 1, 2007 (ADAMS Accession Number ML072690539).

B. The NRC staff reviewed and approved a request from Honeywell MTW to transfer 90,000 ft<sup>3</sup> of industrial scrap material to the USE RCRA Subtitle C facility near Grand View, Idaho (USEI), by letter dated November 17, 2009 (ADAMS Accession Number ML093030377), as revised by letter dated February 2, 2010 (ADAMS Accession Number ML100220407).

C. The NRC staff reviewed and approved a request from Honeywell MTW to transfer an additional 90,000 ft<sup>3</sup> of industrial scrap material to the USEI RCRA Subtitle C facility near Grand View, Idaho, by letter dated April 25, 2011 (ADAMS Accession Number ML111040452).

D. By letter dated July 30, 2012 (ADAMS Accession Number ML11220A011), Honeywell MTW submitted its notification to the U.S. Nuclear Regulatory Commission (NRC) of its intention to transfer annually for disposal, over a period of 10 years, 90,000 ft<sup>3</sup> of debris contaminated with unimportant quantities of source material to the USEI Idaho facility near Grand View, Idaho. The Honeywell notification necessitated a review by NRC to ensure that this transfer would not pose a concern to public health and safety.

By letter dated September 21, 2012 (ADAMS Accession Number ML12242a388), the NRC approved the transfer described in Honeywell's July 30, 2012, notification letter.

E. Honeywell notified NRC on July 12, 2018 (ADAMS Accession Number ML18198A177) of its intent to ship material from four surface impoundments, identified as Ponds B, C, D, and E that store calcium fluoride material generated from past operations. The letter stated that Pond A material was previously removed and disposed of at a RCRA Subtitle C disposal facility (approved on September 12, 2000, ADAMS Accession No. ML010530099). The material contained trace amounts of naturally occurring radioactive elements, including but not limited to uranium and thorium. The source material content was below the limits in 10 CFR 40.13(a) and was disposed of as UIQ. No NRC review of this transfer of material was needed.

In summary, the purpose of this letter is to inform NRC of Honeywell MTW's future to dispose of material contaminated with source material that meets the definition of UIQ in 10 CFR 40.13(a). The types of materials that will be disposed of as UIQ have been examined by NRC in past evaluations. There are no regulatory actions that need to be taken by NRC and no license amendments are needed. All applicable regulatory requirements will be met for disposing of the material at either the USEI RCRA facility in Idaho or Michigan. Records related to the disposal of these materials will be available on site for examination by NRC inspection staff.

If you have questions or comments regarding this letter, please contact Mr. Sean Patterson, Regulatory Affairs Manager at (618) 524-6341

Sincerely,



Brian Hunt  
Director Chemical Plant Operations

Cc: U.S. NRC Region II  
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