

October 12, 2007

Mr. E. K. Hackmann, Director
Hematite Decommissioning Project
Westinghouse Electric Company
Hematite Former Fuel Cycle Facility
3300 State Road P
Festus, MO. 63028

SUBJECT: FURTHER CLARIFICATION ON THE INTENT OF AUTHORIZED USE 9.E.3 OF
SNM-00033 AND NRC LETTER DATED NOVEMBER 9, 2006

Dear Mr: Hackmann:

This letter is intended to provide further clarification concerning Authorized Use 9.E of the Hematite license, SNM-00033 and the Nuclear Regulatory Commission's (NRC) clarification letter dated November 9, 2006. This letter is the result of a call which occurred between representatives of the NRC and Westinghouse Electric Company, LLC (WEC) on August 29, 2007.

On June 30, 2006, the NRC issued Amendment 52 to SNM-00033. This license amendment incorporated into Authorized Use 9.E additional activities, which WEC would not be allowed to perform without a specific license amendment or a NRC approved decommission plan. The prohibited activities added in Amendment 52 were the following:

- 1. Soil and groundwater remediation**
- 2. Final status surveys for NRC approval**
- 3. Subsurface disturbance to include trenching**
- 4. Waste treatment on-site**
- 5. Staging of Material or Equipment or Waste in the Burial Pit Area except existing pads roadways.**

In the WEC letter dated October 9, 2006, WEC indicated that the restrictions added to Authorized Use 9.E might be unnecessary, or need clarification to their intent. The WEC letter provided their understanding of the NRC's concern and the activities permitted under the licensee with respect to Authorized Use Items 9.E.1 - 9.E.5. The letter requested that the NRC either remove these restrictions or provide clarifications.

In response to the October 9, 2006, letter, the NRC replied with the following:

"Amendment 52 was issued with its focus being building demolition at the Hematite site. Amendment 52 permitted the demolition or dismantling of buildings excluding foundations or slabs. The intent of the restrictions incorporated in 9.E was to ensure that during the building demolition and dismantlement process, subsurface material was not disturbed and that site characterization activities were not initiated under the guise of demolition work. This letter is intended to address the prohibited actions contained in Authorized Use 9.E."

Regarding the August 29, 2007, conference call with WEC, the focus of the call was specifically 9.E.3. In our November 9, 2006, letter we provided the following with respect to 9.E.3:

“Authorized Use 9.E.3 was intended to limit the activities associated with demolition and dismantlement of the buildings so that there would be no disturbance of subsurface material and no trenching. While Authorized Use 9.B permits site characterization activities associated with the decommissioning of the site, the staff believed it was necessary to specifically state that trenching was an activity which the staff would find unacceptable. WEC’s October 9th letter clearly indicates your understanding that any site characterization work, which would involve the excavation of soil in the buried waste areas, would require NRC staff approval. The staff believes that WEC’s understanding did not encompass sufficient limitations. As noted above, Amendment 52 addressed building demolition and dismantlement. Therefore, subsurface excavation should not occur in either the buried waste areas or in the areas of the buildings to be demolished or dismantled.”

Westinghouse stated in the August 29, 2007, conference call that its request for clarification of the intent of Hematite License Condition 9.E.3 was necessitated by several proposed work activities that potentially could be interpreted as being disallowed under License Condition 9.E.3. These proposed activities included:

1. Submergence to a depth of no greater than 6 inches below the existing roadway of a temporary electrical feed 22-feet long between Buildings 110 and 254;
2. Installation of markers to a depth no greater than 12 inches to identify the location of the underground natural gas main pipeline that traverses the Hematite site; and
3. Excavation at the location of the gas line shutoff valve for the purpose of isolating an underground natural gas supply feeder line in the process built

The latter item is in preparation for process building demolition. Westinghouse further stated that the work control process for these and other activities conducted at the Hematite facility will ensure that appropriate radiological protection and environmental/public health and safety measures are planned and implemented at a level commensurate with the radiological conditions. In response to the above inquiry, the Staff provided the following clarification:

The intent of Hematite License Condition 9.E is to preclude excavation activities that involve the following:

1. Disturbance of buried waste in areas of the Hematite site that is known or suspected of containing such waste (i.e., the Burial Pit area and/or the Red Room Roof Burial Area). Activities in these areas that only involve negligible disturbance of the clean soil cover that resides atop the waste layer are allowed provided they do not:
 - (a) Substantially alter the contour or decrease the depth of the permanent soil cover; and,
 - (b) Involve penetrating the soil cover layer to a depth where there would be a reasonable likelihood of affecting the buried waste beneath it.

2. Removal of process building foundation slabs and/or significant disturbance of the soil underlying these slabs.

Activities such as core boring through foundation slabs for purposes of radiological characterization of the slabs and underlying soil are not considered to be excavation activities that involve slab removal and/or significant disturbance of soil underlying slabs, and thus would be allowed as indicated in Hematite License Condition 9.B.

As the staff noted during the call on August 29th, item 1 the above, may be performed because the staff agrees with the Multi-Agency Radiation Survey and Site Investigations Manual (MARSSIM) that work at a depth of 6 inches or less can be considered as surface work because at such a depth the appropriate radiological surveys can still be performed to protect workers and the environment.

Regarding item 2, the staff understood that pole type of markers would be placed into the ground. Therefore, no excavation would be occurring. During the call the staff did identify other manners of marking the gas line location which did not involve as significant of a ground disturbance. During the call Westinghouse also discussed the relocation of the Hematite fence. The staff indicated that the mere pulling and replacement of fence posts does not constitute excavation types of activities and therefore, would be allowed.

With respect to item 3, the staff concluded that the excavation associated with gaining access to the gas line's shutoff valve did not involve areas of either the burial pits or building pads. Therefore, the excavation for this purpose was acceptable.

Finally, during the call the prospect of performing core borings through building pads for the purpose of characterizing the soil under the pads was raised. The staff indicated that such intervention into the soil was not considered excavation but rather characterization work acceptable under Authorized Use 9.B of the license.

Therefore, in summary, the proposed work activities may be conducted under the existing license provided they are:

1. Performed such that they would be allowed within the intent of Hematite License Condition 9.E.3 (as clarified by the Staff above);
2. Otherwise not precluded under Hematite License Condition 9, "Authorized Use;" and
3. Planned and performed using appropriate radiological protection and environmental/public health and safety measures established at a level commensurate with the radiological conditions.

E.K. Hackmann

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We hope this further clarifies what is and is not acceptable with respect to Authorized Use 9.E.3. If you have any questions, please contact John Hayes of my staff at: (301) 415-5928 or via e-mail: jjh@nrc.gov.

Sincerely,
/RA/

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Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Management Programs
Office of Federal and State Materials
and Environmental Management Programs

cc: Hematite Service List

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