

April 19, 2005

Mr. Hank A. Sepp  
Project Director, Decommissioning  
Westinghouse Electric Company, LLC  
Hematite Fuel Manufacturing Facility  
3300 State Road P  
Festus, MO 63028

SUBJECT: RESPONSE TO NOTICE OF VIOLATION - WESTINGHOUSE ELECTRIC  
COMPANY, LLC

Dear Mr. Sepp:

This acknowledges receipt of Ms. Karen Ann Craig's March 28, 2005 letter, which responded to our March 14, 2005 letter transmitting a request for a comprehensive response to a Notice of Violation.

We have reviewed your actions to address the violation, and have no further questions at this time. We have determined that Westinghouse's response to the violation was adequate. The near and long-term corrective actions you described in your response will be examined during a future inspection.

As requested, your response included a copy of the root cause analysis. However, the root cause analysis contained a factual error that should be corrected.

Specifically, in RCA-05-007-W015 & 05-031-W006, entitled "Root Cause Analysis Report," you stated on page 8 that:

"Approval of the NCSEs with controls (e.g., TR001, 003, and 010) were approved without the key assumption of enrichment being evaluated. The controlling NCSEs (TR001, 003, and 010) were not clear that the assumption was to be verified prior to approval (no prerequisite, no reference to the sampling plan); but it was in the sampling NCSE (TR006)."

However, nuclear criticality safety evaluation (NCSE) TR001, Rev. 4, entitled "Global Nuclear Criticality Safety Evaluation for the Primary Interference Removal Project at the Westinghouse Electric Corporation Hematite Facility," specifically required on page 1 that:

"This NCSE shall not be used without confirmation that the  $^{235}\text{U}$  enrichment of removed components will not be greater than 5.0 wt%  $^{235}\text{U}$ . No safety basis exists for the removal of component (sic) until this verification is complete. Comprehensive and statistically representative sampling based on operating history is required to justify the use of the NCS limits developed in this NCSE."

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any further questions and/or concerns, please contact Mr. Christopher Martin, or myself at (630) 829-9833.

Sincerely,

**/RA/**

Jamnes L. Cameron, Chief  
Decommissioning Branch

Docket No. 070-00036  
License No. SNM-00033

cc: J. Nardi, Supervisory Engineer Environment Health and Safety  
S. Mahfood, Director, Missouri Department of Natural Resources  
R. A. Kucera, Director, Intergovernmental Cooperation, Missouri Department of Natural Resources  
B. Moore, Missouri Department of Natural Resources

Distribution:  
Docket File  
A. Snyder, DWM  
G. E. Grant, RIII  
M. L. Dapas, RIII  
RIII Enf. Coordinator  
R. Bellamy, RI

DOCUMENT NAME: E:\Filenet\ML051090406.wpd

To receive a copy of this document, indicate in the box: **C** = Copy without enclosure **E** = Copy with enclosure **N** = No copy

OFFICE	RIII	RIII	RIII	RIII
NAME	Martin:mb	Cameron		
DATE	04/19/05	04/19/05		

**OFFICIAL RECORD COPY**