

January 11, 2008

EA-07-326

Mr. E. Kurt Hackmann
Decommissioning Director
Westinghouse Electric Company LLC
3300 State Road P
Festus, MO 63028

SUBJECT: WITHDRAWAL OF EXAMPLE IN NOTICE OF VIOLATION

Dear Mr. Hackmann:

This acknowledges receipt of your letter dated December 18, 2007, which disputed one of two examples cited as a violation of License Condition 16 in the October 12, 2007, Notice of Violation (Notice) issued to you by the NRC. The disputed example related to effluent monitoring (stack sampling) requirements in your license.

In support of your position, your letter provided additional information regarding the amendment history for your license. A member of my technical staff performed an independent review of the disputed example, including review of your amendment history as documented in the NRC cover letter and Safety Evaluation Report dated January 3, 2005, for License Amendment No. 49. Based on our independent review of the amendment history, we have concluded that the example cited in Violation 2.a of the Notice should be withdrawn. Our records will be amended to reflect this change and no further response from you is required at this time.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Mark A. Satorius
Deputy Regional Administrator

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

DISTRIBUTION:
See next page

E. Hackmann

-2-

cc: Gerald Rood, Hematite Decommissioning Project
Matt Featherston, Hematite Decommissioning Project
Charles B. Brinkman, Westinghouse Electric Company
Michele Gutman, Westinghouse Electric Company
Larry Erickson, Section Chief
Missouri Department of Natural Resources
Floyd Gilzow, Deputy Department Director Policy
Missouri Department of Natural Resources
Ben Moore, Missouri Department of Natural Resources
State of Missouri

cc: Gerald Rood, Hematite Decommissioning Project
 Matt Featherston, Hematite Decommissioning Project
 Charles B. Brinkman, Westinghouse Electric Company
 Michele Gutman, Westinghouse Electric Company
 Larry Erickson, Section Chief
 Missouri Department of Natural Resources
 Floyd Gilzow, Deputy Department Director Policy
 Missouri Department of Natural Resources
 Ben Moore, Missouri Department of Natural Resources
 State of Missouri

DISTRIBUTION:
 See next page

DOCUMENT NAME: G:\EICS\ENFORCEMENT\Enforcement Cases 2007\EA-07-326 Westinghouse (Hematite)
 disputed\Westinghouse Withdrawal of example in NOV.doc

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

| | | | | |
|--------|-----------|-----------------|-------------------|--|
| OFFICE | RIII:DNMS | RIII:DNMS | RIII:DNMS | |
| NAME | GMMcCann | PLLouden by GMM | SAREynolds by KGO | |
| DATE | 01/10/08 | 01/10/08 | 01/11/08 | |
| OFFICE | RIII:EICS | RIII:ORA | | |
| NAME | JKHeck | MASatorius | | |
| DATE | 01/10/08 | 01/11/08 | | |

OFFICIAL RECORD COPY

Letter to E. Kurt Hackmann from Mark A. Satorius dated January 11, 2008

SUBJECT: WITHDRAWAL OF EXAMPLE IN NOTICE OF VIOLATION

DISTRIBUTION:

Docket File
ADAMS (PARS)
SECY
C. Carpenter, OE
N. Hilton, OE
S. Woods, OE
J. Wray, OE
J. Caldwell, RIII
M. Satorius, RIII
C. Marco, OGC
R. Romine, OGC
C. Miller, FSME
G. Morell, FSME
E. Brenner, OPA
H. Bell, OIG
D. Holody, RI
C. Evans, RII
J. Heck, RIII
K. Fuller, RIV
S. Reynolds, RIII
K. O'Brien, RIII
V. Mitlyng, RIII
P. Chandrathil, RIII
R. Lickus, RIII
J. Lynch, RIII
P. Pelke, RIII
P. Lougheed, RIII
OEMAIL