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Our ref: HEM-15-69
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Subject: Westinghouse Hematite Decommissioning Project – Response to NRC Letter dated June 30, 2015, that Conveyed NRC’s Comments on Review of Westinghouse Hematite Technical Report HDP-RPT-FSS-202

References: 1) NRC (Persinko) letter dated June 30, 2015, to Westinghouse (Fussell) titled “NRC Review of Westinghouse Hematite Technical Report HDP-RPT-FSS-202, Survey Area Release Record for Land Survey Area 10, Survey Units 01 and 02 (LSA 10-01 and LSA 10-02)”

2) HEM-15-52, Westinghouse Hematite Decommissioning Project – Submittal of Technical Report HDP-RPT-FSS-202, Survey Area Release Record for Land Survey Area 10, Survey Units 01 and 02 (LSA 10-01 and LSA 10-02) in Support of Hematite Decommissioning Project License Termination, May 29, 2015 (License No. SNM-00033, Docket No. 070-00036)

Dear Sirs:

By letter dated May 29, 2015, Westinghouse transmitted to the U.S. Nuclear Regulatory Commission (NRC) for review Technical Report HDP-RPT-FSS-202, Survey Area Release Record for Land Survey Area 10, Survey Units 01 and 02 (LSA 10-01 and LSA 10-02) (Reference 2). After conducting an initial review of HDP-RPT-FSS-202, the NRC provided comments to Westinghouse by letter dated June 30, 2015 (Reference 1). The NRC advised that its review highlighted the need for Westinghouse and NRC to ensure that there exists no ambiguity as to NRC’s expectations regarding the performance of the Final Status Survey (FSS) at the Hematite site. The NRC went on to state:

Based on the current submittal, attempts by the NRC staff to articulate the NRC’s expectations have not been successful. Discussions between NRC staff and WEC representatives indicate that certain key issues associated with WEC’s approach to the FSS remain unresolved. Absent an agreement on these unresolved issues, the potential exists for the license termination stage to be reached without agreement as to whether the site may be released for unrestricted use. Under those circumstances, the NRC may not be able to approve a release for unrestricted use. The NRC believes that such a situation can and should be prevented. However, prevention of such a situation necessitates that WEC and the NRC engage each other to address the unresolved issues.

Westinghouse management understands that the NRC has a number of unresolved concerns. However, Westinghouse also strongly believes that the decommissioning process is being conducted (including the execution of Final Status Surveys), in accordance with the Hematite Decommissioning Plan and associated documents.

The Hematite Decommissioning Plan and associated documents were reviewed by NRC **between August 2009 and October 2011** and approved and incorporated into the Hematite License in License Amendment No. 57 dated October 11, 2011. The intent of having an NRC reviewed and approved Decommissioning Plan is to provide a regulatory path forward that, if followed, will provide a licensee and NRC with the assurance that License termination will be achieved in accordance with regulatory requirements. When, as in the case with the Hematite Decommissioning Project, the NRC staff continues to raise technical questions on the previously approved approach and plans, it brings into question the ability of the entire process to function as designed.

While a few of the items identified in the June 30th letter are issues identified by NRC Region III and highlighted in an inspection report, most of the items were only conveyed by the NRC verbally in phone calls or in some cases by a follow up e-mail. None of those issues have been previously provided to Westinghouse formally in correspondence. Westinghouse believes that formally documenting the issues in a letter is an important communication step that will help us fully understand the concerns and their technical and regulatory bases. For these reasons Westinghouse is requesting that the NRC provide a detailed technical and regulatory bases, in writing, for the issues they believe are necessary to be addressed to provide a path forward. This should be inclusive of the FSS procedures, Information Follow-up Items (IFIs), Final Status Survey (FSS) reports, and any other items the NRC may take exception with.

Once NRC has provided Westinghouse with these details, and identified any other issues that NRC believes require resolution, Westinghouse will be in a better position to respond and move forward. To get the most out of the meeting currently proposed for July 14-17, Westinghouse believes all issues should be identified prior to the meeting. This would allow appropriate preparation and increase the likelihood that the meeting would result in an agreed upon resolution path for each concern. At the conclusion of the meeting, there should not be any ambiguity regarding resolution and the requirements to complete both the physical work and the technical supporting work for the Hematite project. Given the time it will take the NRC to provide the requested details, and the subsequent preparation time for Westinghouse, we do not believe the dates of July 14-17 are feasible for a meeting. However, once Westinghouse has received and reviewed the issues, we would welcome the opportunity to discuss the issues in a workshop setting with the NRC at the earliest opportunity.

Please contact me at 314-810-3355 should you have questions or need additional information.

Sincerely,



Gay M. Fussell
Deputy Director,
Hematite Decommissioning Project

cc: J. W. Smetanka, Westinghouse
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