



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

November 15, 2016

EA-16-004

Ms. Gay Fussell, Deputy Director
Hematite Decommissioning Project
Westinghouse Electric Company
3300 State Road P
Festus, MO 63028

**SUBJECT: RESPONSE TO DISPUTED NOTICE OF VIOLATION WESTINGHOUSE
ELECTRIC COMPANY (HEMATITE) NRC INSPECTION
REPORT 07000036/2015003(DNMS)**

Dear Ms. Fussell:

The purpose of this letter is to acknowledge receipt of your letter dated April 20, 2016, providing additional information regarding three disputed violations (ADAMS Accession Number ML16111B114). On March 22, 2016, the U.S. Nuclear Regulatory Commission (NRC) provided Westinghouse Electric Company (Hematite) the response of the NRC to Hematite's letter dated December 23, 2015, contesting the violations in Inspection Report 07000036/2015003, dated November 27, 2015 (ADAMS Accession Numbers ML16082A107, ML15357A074, and ML15334A404) respectively. Your letter dated April 20th was the response to the NRC's March 22nd letter.

The NRC has reviewed the corrective actions discussed in the April 20th letter. For Violation No. 1, the failure to control storm water in land survey area LSA 02-01, you have taken some corrective actions but deferred the possible actions to revise an apparent overly prescriptive stormwater management procedure and to possibly re-evaluate the stormwater control design basis. Your rationale for not taking these actions was that the radiological remediation of the site was completed as of April 11, 2016, and consequently, no further excavations of possibly contamination soil that would require stormwater control are needed. For Violation No. 2, for an inadequate procedure, you had revised the specific procedure, HDP-PO-FSS-700, Final Status Survey Program, effective April 7, 2016, to address the possible recontamination via stormwater of previously surveyed and remediated areas. We have concluded that the completion by you of excavation and remediation of contamination at the site has obviated the need for the stormwater control and contamination evaluation requirements of these two procedures at this time. However, as we noted in our letter to you dated June 20, 2016 (ML16172A285), there remains NRC regional inspection activities and NRC headquarters review of your Final Status Survey reports that may result in the need for additional surveys by you. If these surveys by you or surveys by our inspectors identify radiological contamination that needs to be removed, the requirements of your stormwater management procedure and the recontamination assessment requirement of the Final Status Survey (FSS) Program procedure could again have applicability and would need to be appropriately revised and implemented. Under these

circumstances, we may conduct an additional follow-up on the adequacy of your corrective actions. In summary, for Violations No. 1 and No. 2, no further action is required by you at this time, but the NRC will not close out the violations until acceptance of the FSSs.

For Violation No. 3, failure to survey 100 percent (gamma walkover) of LSAs 10-01 and 10-02, you stated in your April 20th letter that you would provide an evaluation for the missing data to the NRC Office of Nuclear Material and Safeguards (NMSS) staff that demonstrates that the survey areas meet the radiological criteria for unrestricted use of 10 CFR 20.1402. This evaluation was submitted October 27, 2016. The review on the corrective actions for Violation No. 3 and the adequacy of this evaluation will be conducted as part of the normal review of the adequacy of final status surveys. In summary, for Violation No. 3, no further action is required by you at this time, but the NRC will not close out the violation until acceptance of the FSSs.

Finally, in our original inspection report dated November 27, 2015, documenting the violations discussed in this letter, we requested you provide an extent of condition assessment relating to potential control breaches in areas where the FSS had been performed. This was based on seven instances where isolation controls may have been deficient. Our concern was that completed surveyed areas may have been contaminated during storm events and potentially not been detected. In these instances, we did not identify a significant impact to public health and safety, but concluded further assessment was needed to ensure the release criteria for the site could be met. In the letter dated December 23, 2015, you provided that assessment, as Attachment 2 to the letter. We have reviewed the information and no further action is needed at this time. Based on the complexity of the issue and the number of LSAs, the NRC may conduct additional follow-up or inspections in this area.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390 of the NRC's "Public inspections, exemptions, requests for withholding," 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 System (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions regarding this letter, please call me at 630-829-9618.

Sincerely,

/RA/

Michael A. Kunowski, Chief
Materials Control, ISFSI and
Decommissioning Branch
Division of Nuclear Materials Safety

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

cc: Hematite Service List

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Letter to Gay Fussell from Michael Kunowski dated November 15, 2016.

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