



Westinghouse Electric Company  
Hematite Facility  
3300 State Road P  
Festus, MO 63028

March 2, 2005

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555

Reference: SNM-33 (Docket 70-0036)

Subject: REPLY TO NOTICE OF VIOLATION  
Response to NRC Inspection Report 070-00036/2004-004(DNMS)

Westinghouse Electric Company (Westinghouse) is in receipt of the Notice of Violation (NOVs) dated February 1, 2005. Westinghouse Hematite has issued a non-conformance report for this NOV in the Westinghouse Corrective Actions Process (CAPs) database.

A root cause has been initiated for this issue. The root cause investigation team completed a thorough review of the circumstances surrounding the violations following Westinghouse's root cause procedures. The team constructed a timeline of events and performed interviews of applicable site personnel.

#### REASON FOR THE VIOLATION

The root cause team is still determining the root causes of the violations. Upon approval of the root cause analysis, the reasons for the violation will be provided to the NRC. The preliminary root cause analysis provides no indication of a loss of special nuclear material associated with this event. Nor has it identified a safety concern based on the failure to follow criticality safety controls.

#### NEAR-TERM CORRECTIVE ACTIONS

In response to the NRC inspection findings (including the Notice of Violation that triggered this root cause analysis) discussed on December 3, 2004, work with SNM was stopped on the Hematite primary interference removal project by the Westinghouse Hematite project management team. Two actions were taken to identify remedial and interim corrective actions:

1. A comprehensive review was conducted of the flow down of all NCSE requirements into implementing procedures
2. Walk downs were conducted of the WEC Hematite Facility to verify implementation of NCSE requirements in practice throughout the site.

All corrective actions identified to address each issue will be implemented prior to restart of decontamination work on the project. A commitment will be added to CAPs Issue Report 04-

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340-W005 that confirms completion of these near term and remedial corrective actions prior to restart of work.

#### LONG-TERM CORRECTIVE ACTIONS

Westinghouse will address long-term corrective actions upon receipt of the completed root cause analysis. These long-term corrective actions will be provided to the NRC.

#### DATE OF FULL COMPLIANCE

The date of full compliance will be determined upon completion of the root cause analysis. Westinghouse will provide the date for full compliance to the NRC upon completion of the root cause analyses.

If you have any questions concerning this response, please contact me at (314)810-3306.

Sincerely,

Karen Ann Craig  
Regulatory and Licensing Manager  
*Official Record Electronically Approved in EDMS 2000*

cc: Regional Administrator, NRC Region III  
Mr. Jamnes Cameron, NRC Region III  
Mr. Christopher Miller, NRC Region III  
Mr. Amir Kouhestani, NRC Headquarters  
Mr. Henry Sepp (Westinghouse)  
Mr. A. Joseph Nardi (Westinghouse)