

March 24, 2006

Mr. Henry A. Sepp
Site Manager
Westinghouse Electric Company, LLC
3300 State Road P
Festus, MO 63028

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, LLC - HEMATITE SITE,
AMENDMENT 51 - REVISIONS OF FUNDAMENTAL NUCLEAR MATERIAL
CONTROL PLAN (TAC NO. L52647)

Dear Mr. Sepp:

By letters dated May 31, 2005 (ADAMS Accession No. ML051540297), and October 6, 2005 (ML052910169), Westinghouse Electric Company, LLC, Hematite Facility (WEC), submitted Revision 6 and 7 to its Fundamental Nuclear Material Control Plan (FNMCP). In the May letter, WEC provided a revision to Chapter 3 of its FNMCP which included changes to personnel titles and the incorporation of an additional management level between material control and accounting operational personnel and upper site management. In the October letter, WEC provided the revisions to Chapter 3, as noted above, and revisions to Chapter 4 and 7, which included Criteria that will be used to control receipt and handling of its radioactively contaminated waste material produced as a result of processing of Hematite-generated scrap material at an off-site facility, and to provide for the investigation of a shipper-receiver difference for this material, should one occur. We have completed our review of the revised FNMCP, and have found it to be acceptable. Thus, pursuant to 10 CFR 70.32(c)(1)(iii), Materials License SNM-33 is amended to incorporate your revised FNMCP. Accordingly, License Condition 13 has been revised to include the October 6, 2005, revision of the FNMCP, and to read as follows:

"The licensee shall follow Revision 7 of its Fundamental Nuclear Material Control Plan, dated October 6, 2005. This Plan may be further revised in accordance with, and pursuant to, the provisions of either 10 CFR 70.32(c) or 70.34."

All other conditions of this license shall remain the same.

However, in future applications, as a result of these changes and for any future FNMCP changes, you should provide the U.S. Nuclear Regulatory Commission (NRC) a complete copy of the FNMCP, not just the pages directly impacted by the changes. Each page of the complete copy should indicate the same current revision number. Our reason for this request is that the individual page changes may, by themselves, not conform precisely with the previous version of the FNMCP, resulting in new pages not being properly aligned with previous version pages. Markings in the margins corresponding to changes from the previous revision should also be included.

In addition, we note that these two sets of revisions do not provide a summary of the changes in an appendix to the FNMCP, as was the previous practice when Revision 5 was provided to NRC by Westinghouse in September 2004. Providing a summary of the specific changes for

each revision of the FNMCP provides clarity, and we would like to see this included in any future revisions.

Enclosed are copies of the revised Materials License SNM-33 (Enclosure 1) and the Safety Evaluation Report (Enclosure 2). We also have determined that the revision to the FNMCP is an administrative change which is categorically excluded from the requirements to prepare a site specific Environmental Assessment (EA). Therefore, in accordance with 10 CFR 51.22(c)(12), preparation of an EA is not required.

In accordance with 10 CFR 2.390 of 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 component of NRC's Agencywide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Website at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions regarding this matter, please contact Amy M. Snyder, of my staff, at (301) 415-8580 or by e-mail at ams3@nrc.gov.

Sincerely,

/CCraig for RA/

Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70- 36
License No.: SNM-33

Enclosures:

1. Materials License SNM-33 (NRC for 374 only)
2. Safety Evaluation Report (Proprietary)

cc (w/o Enclosure 2):

WEC Service List

T. Chance, Manager, Licensing

A. J. Nardi, Chairman, Project Oversight

H. Floyd Gilzow, Deputy Director, Department Director for Policy

Missouri Department of Natural Resources

B. Moore, Project Manager, Missouri Department of Natural Resources

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Missouri Department of Natural Resources

B. Moore, Project Manager, Missouri Department of Natural Resources

DISTRIBUTION: w/ enclosure

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DATE	1/25/06	1/25/06	2/3/06	2/10/06	3/1/06	3/24/06

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Enclosure 1
Materials License SNM-33
ML060240576

WEC - Hematite Service List

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