

ROCHESTER GAS AND ELECTRIC CORPORATION • 89 EAST AVENUE, ROCHESTER, N.Y. 14649-0001

TELEPHONE
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October 8, 1986

Dr. Thomas E. Murley, Regional Administrator
U.S. Nuclear Regulatory Commission
Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Subject: I & E Inspection Report No. 86-15
Notice of Violations
R. E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Dr. Murley:

Inspection Report 86-15, which covered radioactive waste shipments from Ginna stated in part:

"As a result of the inspection conducted on August 11-15, 1986, and in accordance with the NRC Enforcement Policy (10 CFR 2, Appendix C), the following violations were identified:

- A. 10 CFR 20.311(b), "Transfer for Disposal and Manifests", requires, in part, that the manifest accompanying radioactive waste shipments indicate as completely as practicable the radionuclide identity and quantity, and the total radioactivity of the shipment.

49 CFR 172.203(d), "Additional Description Requirements", also requires that the name of each radionuclide in the radioactive material must be included on the shipping papers."

Contrary to the above, during the period January, 1983-June, 1985, the licensee failed to identify the radionuclide Iron-55, its activity, and by the omission of Iron-55, the total radioactivity on the manifests for the radioactive waste shipments made during the stated period.

- B. Technical Specification 6.8, "Procedures," requires that procedures be established, implemented, and maintained. Procedure No. A-1001, "Inspection and Surveillance Activities," developed pursuant to the above, requires, in

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part, that quality requirements obtained from regulatory requirements shall be included in Quality Control Inspection procedures.

10 CFR 20.311(d)(3), "Transfer for Disposal and Manifests," requires the licensee to conduct a quality control program to assure compliance with 10 CFR 61.56, "Waste Characteristics."

Contrary to the above, the regulatory requirements required by 10 CFR 61.56 are not included in any Quality Control Inspection procedures. A Quality Control Inspection procedure has not been developed, and implemented, for the dewatering process to assure compliance with 10 CFR 61.56."

RG&E's response to these findings is presented below.

RG&E agrees with finding A as stated in that we did not include Iron-55 on our shipping manifests.

In early 1985, we became aware that Iron-55 was being discovered in waste shipments from other utilities. An investigation of our analytical results from our effluent monitoring program along with confirming analysis from Science Applications Inc. (SAI), who performed the analysis required by 10 CFR 61 for Ginna, indicated Iron-55 was indeed present in up to 7-8% in our waste streams.

From that point in time, we began including this isotope on our shipping manifests.

"The Low Level Waste Licensing Branch Technical Position on Radioactive Waste Classification" issued on May 11, 1983, states that for 10 CFR 20.311 requirements, significant quantities is defined as greater than 7 uCi/cc. The Iron-55 was only 5.8 uCi/cc for the shipment in question and in any of our shipments since 1985, we have not exceeded this value.

A definition of 49 CFR 172.203 was provided to us by the inspector during inspection 86-15 in the form of a letter from Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau of the U.S. Dept. of Transportation, to Mr. Peter T. Tuite of Waste Management Group Inc.. This clarification defines the cutoff point for listing radionuclides on the shipping manifest and indicates "any radionuclide whose activity comprises less than 1% of the total activity within the package may be omitted" from the shipping manifest. Since July, 1985, we have been in compliance with this interpretation. SAI who performs both our waste stream and environmental analysis has confirmed our compliance with this position.



RG&E believes that a notice of violation should not be issued for the inspection report finding because of the NRC policy to encourage and support licensee initiatives for self-identification and correction of problems. 10 CFR 2, Appendix C notes that NRC generally will not issue a notice of violation for a finding that meets all of the following tests:

- (1) "It was identified by the licensee". We identified the manifest omission in July, 1985.
- (2) "It fits severity level IV or V". In your report, you have identified this as a level IV violation.
- (3) "It was reported if required". We do not believe this was reportable since the waste classification would not change because the other isotopes which are found in our waste stream have much greater biological significance and therefore determine the classification. In fact, 10 CFR 61 does not require analysis for Iron-55, since it was deemed to be of less significant concern to the public.
- (4) "It was or will be corrected, including measures to prevent recurrence within a reasonable time". This was corrected in mid-1985 and we periodically check with the contractor performing our waste stream analysis to ensure there are no other isotopes which would exceed 1% of the total activity and thus need to be incorporated on the shipping manifest.
- (5) "It was not a violation that could reasonably be expected to have been prevented by the licensee's corrective action for a previous violation". There was no previous violation which would have led us to correct this deficiency sooner.

If the notice of violation does stand, it would seem that the criteria stated in 10 CFR Part 2, Supplement V, would place this violation the severity level V rather than IV.

For this to be considered a level IV violation, one of the following criteria would have to be met:

1. "Package selection or preparation requirements which do not result in a package integrity or surface contamination or external radiation levels in excess of NRC requirements.
2. Other violations that have more than minor safety or environmental significance."

Criteria (1) obviously does not apply. Criteria (2) also does not seem to apply. For there to have been any safety



significance, this incident would have to lead to improper categorizing or labeling. This was not the case. Iron-55 has been identified by the NRC in 10 CFR 61 to be an insignificant environmental concern, since it is not a required analysis isotope.

Iron-55 presents a significantly smaller radiotoxicity problem than Co-60, making it a minor environmental problem.

Therefore, while Iron-55 was not listed until mid-1985 as part of the isotopic library, we feel that this did not present a significant problem and should be no more than a severity level V violation or the finding should be noted only as a inspector follow item.

RG&E does not agree that finding B is valid for the following reasons:

1. Quality Control personnel involved in radioactive waste shipments are qualified to perform QC activities by the completion of the same training courses provided to the Health Physics personnel, responsible for the actual shipment. QC Inspectors are familiar with all requirements for shipping radioactive waste. ANSI N-18.7, indicates that procedures should be written in a manner commensurate with the qualifications of the personnel performing the procedure. The procedures used to perform these tasks provide adequate guidance for qualified personnel to perform these tasks competently.
2. The referenced Quality Control Inspection Procedure in the inspection report was QCIP-21.2, Shipping Package HN-100 Series 2, 2A, 3, and 3A Inspection for Shipment #. This QCIP is used to verify proper handling of the cask during the loading and unloading of the cask from the transport truck. Radioactive Discharge procedure RD-10.12, Handling, Loading and Unloading of the Hittman Nuclear HN-200 Transport Cask Series 3, is the procedure used to control the actual loading of the cask with radioactive waste. The quality control involvement in the implementation of this procedure is via "surveillance" of the procedure and processes. Procedure RD-10.12 requires notification of QC for assignment of inspection personnel prior to starting the job as well as QC attendance at a meeting prior to starting the job and a verification by QC of a proper Certificate of Compliance for the cask to be used prior to starting the job. The procedure also requires a QC review at the completion of the job. Based on these items, QC is involved and performs surveillance from the beginning to the end of the job. We feel this is adequate QC involvement in the implementation of RD-10.12 and no changes to QCIP-21.2 or any other QCIP associated with radioactive



waste shipments is warranted.

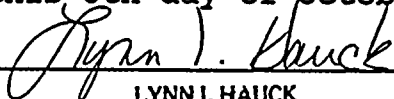
3. While it is true that Ginna Administrative Procedure A-1001, "Inspection and Surveillance Activities" requires in part that quality requirements obtained from regulatory requirements shall be included in Quality Control Inspection Procedures, (QCIP's), it also states that these quality requirements are obtained from procedures, drawings, specifications, codes and standards. An important process in preparing radioactive waste shipments is dewatering the shipping container. The Hittman Cask procedure HN-100 Series 3 which was used for the shipment inspected, assures adequate final dewatering by running the dewatering pump for a 1 hour time period. The Hittman process of using the "run time" of a pump as the method for removing water was selected based on a series of qualification tests run by Hittman. As stated above, since QC surveillance is used to verify proper implementation of the RD procedure, QC Surveillance Report 85-0577 was written which indicated and verified that the pump was run for 1-1/2 hours during the final dewatering process.

In summary, RG&E does not feel the violation is justified and requests that the violation be removed from the record.

Very truly yours,


Roger W. Kober

Subscribed and sworn to me
on this 8th day of October, 1986.



LYNN I. HAUCK
Notary Public in the State of New York
MONROE COUNTY
Commission Expires Nov. 30, 1988

