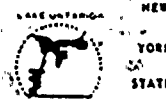




ROCHESTER GAS AND ELECTRIC CORPORATION • 89 EAST AVENUE, ROCHESTER N.Y. 14649-0001

ROBERT C. MECREDY
Vice President
Ginna Nuclear Production

TELEPHONE
AREA CODE 716 546-2700



October 24, 1990

Mr. Thomas T. Martin
Regional Administrator
U.S. Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406

Subject: Inspection No. 50-244/90-18
R.E. Ginna Nuclear Power Plant

Dear Mr. Martin:

As a result of the inspection conducted on July 19, 1990, by a representative of the South Carolina Department of Health and Environmental Control, of a shipment of licensed material sent from RG&E on July 13, 1990, and in accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C (1990), the following violation was identified.

10 CFR 20.301(a) states that no licensee shall dispose of licensed material except by transfer to an authorized recipient as provided in the regulations in Parts 30, 40, 60, 61, 70 or 72, whichever may be applicable. 10 CFR 30.41(c) states, in part, that before transferring byproduct material to a specific licensee of the Commission or an Agreement State, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred. Condition 60 of the State of South Carolina (an Agreement State) License Number 097, issued to Chem. Nuclear Systems, Inc., for the operation of the Barnwell Disposal Site states, in part, that loose radioactive waste within shipping casks is prohibited.

10 CFR 61.56 states the minimum requirements for all classes of waste to facilitate handling at a disposal site, and specifically requires in 10 CFR 61.56(b)(1), that waste must have structural stability which can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

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Contrary to the above, on July 13, 1990, the licensee shipped a cask containing a disposal container of dewatered spent resin from their facility to Barnwell, South Carolina for disposal in a configuration that did not provide for structural stability after disposal, in that the cask contained some loose resins outside the disposal container but within the shipping cask.

We concur with the violation except as noted below.

Corrective Actions:

As a result of radioactive waste shipment number 0790-117 not meeting Condition #60 of the South Carolina License Number 097, Rochester Gas and Electric has initiated a Human Performance Enhancement System evaluation for the transfer and shipment of resins. Prior to the next transfer and subsequent shipment of resin, the following changes are being initiated and will be completed.

- 1) Establish personnel training and experience requirements, and ensure personnel responsible for the transfer meet those requirements.
- 2) Utilize an improved resin transfer system at the cask to minimize the potential for splattering and contamination spread during the transfer.
- 3) Through procedural upgrades, ensure management has been properly notified of any unusual occurrences or potential problems with resin transfers and shipments.
- 4) Ensure the pre-job briefing for resin transfer and shipment covers the changes listed above.

Date When full Compliance Will Be Achieved:

The above actions will ensure RG&E is in full compliance with applicable state and federal regulations for all future resin shipments.

RG&E believes that the Severity Level III classification is inappropriate for the following reasons:

NRC's Enforcement Policy (10 CFR Part 2, Appendix C), states that "the severity level of a violation will be characterized at the level best suited to the significance of the particular violation". NRC's Enforcement Manual Section 3.5.21 indicates that "significance" consists of two elements: technical safety significance and regulatory significance. Moreover, the Enforcement Manual states that "consideration should be given to the matter as a whole in light of the circumstances surrounding the violation".

There are several factors which combine to demonstrate the low significance of this incident. First, the amount of contamination identified outside the inner container was small. Although smear results indicated that contamination levels exceeded 50,000 dpm/100 cm², this level was present only at a few specific hot spots representing a very small percentage of the surface area. The remaining surface of the inner container was within appropriate contamination limits. Furthermore, the resin beads found outside of the inner container were few in number.

Second, the smear results and direct radiation surveys conducted in preparation of the shipment were performed in conformance with RG&E procedures, standard industry practice and ongoing efforts to keep personnel exposure ALARA. The results of these evaluations did not indicate contamination beyond acceptable limits.

Third, there was no actual or potential exposure to the general public. All of the contamination was confined to the inside of the shipping cask. Contamination was only identifiable after the shipment had arrived at Barnwell, South Carolina and was being surveyed within a controlled area.

Fourth, RG&E's root cause analysis shows the incident to be a result of isolated personnel error. This is supported by NRC's statements concerning our "good past performance".

Finally, when viewed against other enforcement actions of a similar nature, this incident is less significant and does not warrant the same enforcement treatment. For example, another recent NRC Region I case (i.e. EA 90-111) involving a transportation incident was also categorized at Severity Level III. However, when compared against that case, the RG&E case has much less safety significance. Specifically, case EA 90-111 involved a spill of radioactive water -- resulting in contamination of the surrounding area and equipment. The amount of water remaining in the cask (i.e. approximately 196 gallons) was 40% of the total cask volume and had a near contact dose rate of 5 mR/hr. The NRC stated in its Notice of Violation that "adequate management and procedural controls were not in place to ensure that the cask was properly dewatered and dried". Furthermore, the NRC noted a concern that the licensee's enforcement history indicated a declining trend in adequate handling of radioactive waste shipments. As discussed above, many of these elements either did not exist on the RG&E incident or were of a lesser significance.

Based on the above factors, RG&E believes that the incident shows a low level of both technical safety significance and regulatory significance and, thus, is more appropriately categorized as Severity Level IV per 10 CFR 2, Appendix C, IX, Supplement IV; D-5.

Very truly yours,


Robert C. Mecredy



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 MECREDY, R.C. Rochester Gas & Electric Corp.
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 MARTIN, T.T. Region 1 (Post 820201)

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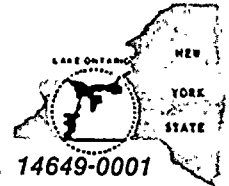
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Based on the above factors, RG&E believes that the incident shows a low level of both technical safety significance and regulatory significance and, thus, is more appropriately categorized as Severity Level IV per 10 CFR 2, Appendix C, IX, Supplement IV; D-5.

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Robert C. Mecredy