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FITZPATRICK,E. American Electric Power Co., Inc.
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SUBJECT: Responds to NRC 920529 ltr re violations noted in insp repts
50-315/92-10 & 50-316/92-10. Corrective actions: waste
container returned to licensee.

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AEP:NRC:1175A

Donald C. Cook Nuclear Plant Units 1 and 2
Docket Nos. 50-315 and 50-316
License Nos. DPR-58 and DPR-74
NRC INSPECTION REPORT NOS. 50-315/92010 (DRSS)
AND 50-316/92010 (DRSS); REPLY TO A NOTICE OF VIOLATION

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20005

ATTN: A. B. Davis

June 26, 1992

Dear Mr. Davis:

This letter is in response to Ms. Cynthia D. Pederson's letter dated May 29, 1992, which forwarded a Notice of Violation that resulted from the inspection conducted April 21 through April 24 and May 13 through May 20, 1992 by members of your staff. The Notice of Violation attached to Ms. Pederson's letter identified two severity level IV violations associated with a condition involving the transfer of hazardous solvent waste contaminated with byproduct material to four analytical laboratories and an incinerator vendor, facilities which did not possess the appropriate license to receive the byproduct material. Our response to the Notice of Violation is provided in the attachment to this letter.

Sincerely,


E. E. Fitzpatrick
Vice President

eh

Attachment

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Mr. A. B. Davis

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AEP:NRC:1175A

cc: D. H. Williams, Jr.
A. A. Blind - Bridgman
J. R. Padgett
G. Charnoff
NRC Resident Inspector - Bridgman
NFEM Section Chief
A. B. Davis - Region III



Attachment to AEP:NRC:1175A
Response to Notice of Violation

NRC Violation:

- A. "Technical Specification 6.8.1.a requires adherence to the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, February 1978. Section 7.e.2 of Appendix A requires procedures for radiation surveys. Procedure 12 PMP 6010 RPP.301, "Control of Equipment and Material in a Restricted Area," requires surveys be performed on material leaving the restricted control area for unconditional release.

Contrary to the above, prior to March 30, 1992, a barrel of hazardous waste containing radioactive material was released from the restricted control area without the required survey being performed.

This is a Severity Level IV violation (Supplement IV).

(1) Reason for Violation

The licensee has concluded that the container or its contents (in the form of individual samples) must have been brought out of the restricted area without an unconditional release survey as required by Procedure 12 PMP 6010 RPP.301. However, at the time of this submittal, no root cause has been determined. The investigation into the above condition is still in progress.

(2) Corrective Actions Taken and Results Achieved

On April 3, 1992, the licensee informed the NRC of the March 30, 1992, notification from a vendor in Arkansas that a barrel labeled as hazardous waste (liquid solvent) received for incineration contained radioactive material.

On April 4, 1992, the waste container was returned to the licensee and, subsequently, a radioactivity analysis was performed on the contents. Direct radiation measurements confirmed the contents of the barrel contained radioactive material; later analysis showed the barrel contained about 40 microcuries of mixed isotopes (cesium-137 and 134, and cobalt-60). Surveys of the outside of the barrel and truck bed

indicated no detectable contamination. No violations of Department of Transportation (DOT) requirements occurred because the radioactivity levels were below the DOT definition of radioactive material.

In addition, radioactivity surveys were performed immediately on any containers of waste of unsure origin in storage outside of the protected area. A program to analyze the remaining identified waste containers has been established and will be completed by July 17, 1992. To date, three additional waste containers in storage outside of the protected area have indicated radioactive contamination.

(3) Preventive Actions Taken to Avoid Further Violations

Preventive actions taken to prevent recurrence of this event include strengthening the unconditional release and chemical control programs to require specific and detailed labeling of waste containers and associated sample containers. Radiological analyses will be performed on all hazardous waste containers leaving the protected area and site area. When a container of liquid or sludge is sampled, the waste container will be isolated and a unique seal applied to ensure that the container contents are henceforth unaltered. Subsequent to isotopic analysis of the sample, another unique seal will be applied to the waste container verifying its disposition and fulfillment of administrative requirements.

Procurement of a unique seal for waste containers is expected early in July, 1992.

A top tier procedure, specifying general chemical waste management requirements, is complete and will be approved by July 1, 1992. Full implementation of the chemical waste management program will occur by July 1, 1993. This will include completion of lower tier procedures associated with specific chemical waste management requirements, and completion of training for all personnel who may have to handle hazardous waste while executing those procedures.

However, in the interim, personnel currently trained



to handle hazardous waste will provide assistance to ensure that radiological analyses will be performed on all hazardous waste containers leaving the protected area and site area.

(4) Date When Full Compliance Will Be Achieved

Full compliance was achieved when the barrel, containing the radioactive material, was received back into the restricted area at Cook Nuclear Plant on April 4, 1992.

- B. 10 CFR 30.41(a) and (b)(5) require, in part, that no licensee transfer byproduct material except to a person authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or Agreement State.

Contrary to the above, on July 29 and 30, October 29, and December 18, 1991, the licensee transferred hazardous solvent waste contaminated with byproduct material to four analytical laboratories and an incinerator vendor, persons who were not authorized to possess the byproduct material under the terms of a specific or general license issued by the Commission or Agreement state.

This is a Severity Level IV violation (Supplement IV)."

(1) Reason for Violation

The licensee has concluded that, prior to the shipment of the hazardous solvent waste, it was unknown that the waste contained byproduct material. The failure to perform an unconditional release survey of the waste led to the transfer of the radioactive solvent to unlicensed facilities.

2) Corrective Actions Taken and Results Achieved

On April 3, 1992, the licensee informed the NRC of the March 30, 1992, notification from a vendor in Arkansas that a barrel labeled as hazardous waste (liquid solvent) received for incineration contained

radioactive material. The vendor did not have a license to receive or possess radioactive material.

On April 4, 1992, the waste container was returned to the licensee and, subsequently, a radioactivity analysis was performed on the contents. Direct radiation measurements confirmed the contents of the barrel contained radioactive material; later analysis showed the barrel contained about 40 microcuries of mixed isotopes (cesium-137 and 134, and cobalt-60). Surveys of the outside of the barrel and truck bed indicated no detectable contamination. No violations of Department of Transportation (DOT) requirements occurred because the radioactivity levels were below the DOT definition of radioactive material.

In addition, radioactivity surveys were performed immediately on any containers of waste of unsure origin in storage outside of the protected area. A program to analyze the remaining identified waste containers has been established and will be completed by July 17, 1992.

The licensee issued a condition report and a subsequent investigation discovered that samples of the barrel had been sent to several unlicensed laboratories prior to shipment. These laboratories were also not authorized to receive radioactive material.

Surveys of the laboratories on April 8 and 9, 1992, indicated that no detectable contamination was found. The licensee's investigation also revealed that on September 14, 1991, a spill involving the solvent had occurred in the hazardous waste storage building, but surveys were not performed because the licensee was unaware that the solvent contained radioactive material. Follow-up surveys (April 4, 1992) indicated fixed contamination levels on sections of the floor up to 40,000 dpm/100 cm², and contaminated soil immediately outside the building. No other equipment or barrels were found contaminated during these surveys. The soil apparently became contaminated from periodic floor sweepings which had been swept outside a door of the building during the time the spill occurred and its subsequent discovery. The

contaminated soil was recovered for disposal and the inspectors verified that the building has been appropriately posted and controlled.

Analysis by an independent laboratory has since determined that the contents of the waste container of issue can be categorized as non-hazardous.

(3) Preventive Action Taken to Avoid Further Violations

To preclude the possibility of inadvertently shipping a waste container to an inappropriately licensed facility, administrative guidance will be in place to ensure that a waste container must have the unique seal indicating an acceptable radiological survey prior to initiation of the manifest.

A top tier procedure, specifying general chemical waste management requirements, is complete and will be approved by July 1, 1992. Full implementation of the chemical waste management program will occur by July 1, 1993. This will include completion of lower tier procedures associated with specific chemical waste management requirements, and completion of training for all personnel who may have to handle hazardous waste while executing those procedures.

However, in the interim, personnel currently trained to handle hazardous waste will provide assistance to ensure that radiological analyses will be performed on all hazardous waste containers leaving the protected area and site area.

(4) Date When Full Compliance Will Be Achieved

Full compliance was achieved when the barrel, returned on April 4, 1992, and all unprocessed samples were received back into the restricted area at Cook Nuclear Plant.

