JCP&L GPU

Jersey Central Power & Light Company
Madison Avenue at Punch Bowl Road
Morristown, New Jersey 07960
(201) 455-8200

EA-81-35
Rec'd 7/13/81

July 8, 1981

Mr. Victor Stello, Jr.
Director
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Stello:

Subject: Oyster Creek Nuclear Generating Station
Docket No. 50-219
Notice of Violation Dated May 20, 1981

This letter is submitted in response to your letter of May 20, 1981 regarding the findings of the inspection conducted by Mr. B. Gray, Jr., Resident Inspector for the State of Nevada, on December 30, 1980.

In reviewing the alleged violations as stated, we feel it appropriate at this time to provide a status of our Radioactive Materials Handling Program and a sequence of events concerning this particular event. Attachment A to this letter discusses these two subjects.

Attachment B represents our responses to the specific alleged violations.

As identified in the two enclosures, the management controls we have placed on our radioactive material shipments, the establishment of a radwaste organization, and implementation of the Radioactive Material Handling Program should prevent further noncompliances from occurring and satisfy the concerns generated by the incident both with the NRC and the radioactive waste burial state organizations.

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If there are any questions regarding the enclosed information, please contact me or Mr. Michael Laggart of my staff at (609) 693-6932.

Very truly yours,

Shepard Bartnoff
President, Jersey Central
Power & Light Company

Sworn to and subscribed to before me this 8th day of July 1981.

Marilyn R. Jones
Notary Public

MARILYN R. JONES
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 4, 1984

SB:ML:lse

Attachments

cc: Boyce H. Grier
Director
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Region I
631 Park Avenue
King of Prussia, PA 19406

NRC Resident Inspector
Oyster Creek Nuclear Generating Station
Forked River, NJ 08731

ATTACHMENT A

The following represents a review of the Oyster Creek radwaste program and the progress achieved during the past year (1980/1981). A sequence of events concerning the alleged violations is also presented.

Our development of a radwaste management organization was initiated in the spring of 1980 following the NRC Performance Appraisal Branch (PAB) Audit No. 79-18 and an internal audit conducted by our Quality Assurance Department. This organization, which was implemented in 1980, includes a Radioactive Materials Shipping Supervisor whose responsibilities are solely dedicated to overseeing Oyster Creek's Radioactive Materials Shipping Program. Reporting to the Radioactive Materials Shipping Supervisor, is a Group Radwaste Shipping Supervisor. His responsibilities are direct supervision of all radwaste handling prior to shipment, including packaging, loading and inspection. In addition to the current Group Radwaste Shipping Supervisor, two additional Group Radwaste Shipping Supervisor positions are authorized and expected to be filled in the near future.

On October 29, 1980, the Oyster Creek Radioactive Materials Handling Program (RMHP) was approved and issued. The program was designed to perform the following regarding radioactive waste:

1. Control the use of, verify and document the integrity of all containers used in packaging radioactive wastes prior to their use.

2. Eliminate the use of 17-H containers as radioactive waste shipping containers.

3. Control and provide traceability of all radioactive waste prior to packaging for shipment.

4. Provide for three separate inspections for liquid content prior to shipment.

5. Control the waste packaging and document the required inspections and verifications in order to assure proper waste form and packaging.

6. Control and document radioactive waste loading and shipping operations.

The program carries out these objectives using the following four implementing procedures which have been in effect since March 19, 1981.

1 JCP&L Procedure 351.21; Radioactive Waste Container Control

2. JCP&L Procedure 351.22; Radioactive Waste Handling

3. JCP&L Procedure 351.23; Shipment of Type A, LSA Radioactive Waste for Offsite Burial.

4. JCP&L Procedure 101.3; Shipment of Radioactive Materials.

A training program was developed and initiated to instruct and train all individuals involved with radioactive waste, of the Radioactive Materials Handling Program and its implementing procedures. Initial training was given to all individuals handling waste upon implementation of the Radioactive Materials Handling Program.

The above program, organization and training was conceived in mid-1980 and implemented in late 1980 and early 1981. The program was not fully in effect at the time that the discrepant radwaste shipment was loaded and shipped to the NECO burial site at Beatty, Nevada.

With regard to the specific incident of concern (Oyster Creek Shipment OC-1189-80), the following is a chronological sequence of events and information we feel is pertinent to the cause and follow-up of the incident.

In June of 1980 the first group of drums, including drum number 21 of shipment OC-1189-80, was loaded for a shipment which was eventually transported on December 24, 1980, a six month time lapse between loading and shipping. At the time that drums 21 and 48 were loaded for shipment, Procedure 351.10, Packaging Radioactive Wastes for Shipment to Offsite Burial Sites, was in effect. The procedure required a visual inspection of the drum contents for oil and water and a visual inspection of the drum for physical damage. The procedure also called for a double inspection of the drum lid to ensure that it was secure to the drum.

The containers shipped were 17-H containers (new, not reconditioned) as certified by the drum manufacturer to JCP&L. The 17-H container meets the requirements of a spec 7A container, as per the ERDA Phase II Summary Report dated June 12, 1975. Spec 7A containers are approved for shipment of the type A quantity of normal form radioactive material as per 49 CFR 173.395 and, therefore qualify as "strong, tight containers."

On December 31, 1980, JCP&L was notified by the State of Nevada Division of Health that our burial permit had been suspended indefinitely due to results of the inspection performed on JCP&L shipment OC-1189-80 by the State of Nevada Division of Health inspector.

On January 8, 1981, JCP&L representatives met with the State of Nevada Bureau of Consumer Health Protection Services representatives in Carson City, Nevada in order to describe the ongoing efforts in Radioactive Waste Handling and Shipping at Oyster Creek.

As a result of the meeting, JCP&L's burial permit was reinstated based on the following commitments made by JCP&L.

1. The Company will write to the U.S. Nuclear Regulatory Commission and tell them that the "Radioactive Material Management Program" dated November 4, 1980, has been made a part of the Company's administrative procedures for the Oyster Creek facility.

2. That this program will be fully implemented within 60 days.

3. That additional training will be given to personnel handling radioactive waste and the procedures for packaging same as detailed in this program.

4. That, starting immediately, all containers which are to be used for radioactive waste will be inspected for integrity prior to filling with radioactive waste.

5. That, starting immediately, all containers of radioactive waste, including any already packaged on hand, will be inspected to prevent shipping any free-standing liquid in the container.

6. That upon full implementation of the program the NRC will be requested to make an inspection and to determine its efficiency.

During the firs week of March 1981, the NRC conducted an inspection of Oyster Creek's Radwaste Shipping Organization and Program. Upon completion, no noncompliances were found. The results of this inspection are documented in IE Inspection Report 50-219-81-04.

On March 31, 1980, Nevada Inspection Services audited the Radwaste Shipping Organization at Oyster Creek. The audit was conducted at the request of JCP&L as a prerequisite for continued use of the Beatty, Nevada burial site. Upon completion no noncompliances or observations were found.

On June 25, 1981, JCP&L conducted a test on drum 21 to determine its contents, waste form and drum integrity. The test was performed using Special Procedure 81-58. The drum contained two sealed plastic bags of cardboard, rope and protective clothing. It was apparent that water had been within the drum but had not penetrated the bags of waste, since the entire interior of the drum and the exterior of the sealed bags were not contaminated with radioactive material. The bags were reading approximately 4 mr/hr on contact. The condition of the bottom of the drum was degraded; apparently, because of the presence of water.

ATTACHMENT B

The following represents our responses to the "Notice of Violation" contained in the U.S. NRC letter dated May 20, 1981.

Violation A-1:

10 CFR 71.5(a) requires that NRC licensees comply with the applicable packaging and transportation requirements of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

1. 49 CFR 173.392(c)(1) requires that packaged shipments of Low Specific Activity (LSA) materials transported in exclusive use vehicles must be packaged in strong, tight packages so that there will be no leakage of radioactive material under conditions normally incident to transportation.

   Contrary to the above, on December 24, 1980, the licensee delivered LSA radioactive material to a carrier for exclusive use vehicle transport in a package which was not a strong, tight package in that there were four holes in the bottom of Drum No. 21 which allowed leakage of liquid radioactive material. In addition, Drum No. 48 was not a strong, tight package in that upon arrival at the burial site the locking bolt was not on the locking ring and was found on the floor of the trailer.

This is a Severity Level III Violation (Supplement V.C.1)

Response:

We concur with the violation in that the condition of drums 21 and 48 did not fully meet the intent of 49 CFR 173.392(c)(1) upon arrival at Beatty, Nevada; however, both drums met the requirements as set forth in 49 CFR 173.392(c)(1) as follows:

1. Upon receipt of the radioactive waste shipment at Beatty, liquid was found which appeared to have leaked from the drum number 21. The liquid was surveyed by NFCO representatives and found to be free of radioactive material in excess of background. Therefore, the statement "which allowed leakage of liquid radioactive material" is not correct.

2. Although the locking bolt on drum number 48 was not in place, the integrity of the drum had not been violated since the cap was still in place.

Response: (Continued)

The four holes as described above in drum 21 appear to be rust spots on the bottom of the drum and at the time of inspection for shipment, may not have been present since the loading of drum number 21 was done six months before shipment was made. The bolt on drum number 48 appears to have worked loose during transport to the burial site.

JCP&L has developed and implemented a radioactive material handling program which is designed to assure our full compliance with all applicable regulations regarding shipment of radioactive materials. The program consists of the following:

1. A Radioactive Waste Shipping Container Control Procedure which requires JCP&L procurement quality assurance inspection and release of containers prior to their use. The procedure documents the inspections and the containers' condition and, in addition, eliminates the use of the 17-H containers as shipping containers.

2. A Radioactive Waste Handling Procedure, which provides accountability of waste prior to being packaged. It provides for two independent inspections for liquids prior to the waste being packaged for shipment.

3. A procedure for Shipment of Type A LSA Radioactive Material which provides detailed instructions and documents all shipping operations. The procedure contains a final check for liquids and an inspection checkoff for container integrity.

The program has been audited by the NRC and by the Nevada Inspection Services with no observations or noncompliances.

Full compliance with the intent of 49 CFR 173.393(c)(1) has been achieved upon initiation of the Radiaoctive Materials Handling Program on March 19, 1981.

Violation A-2:

49 CFR 173.203(d)(1)(ii) requires that the shipping paper description for a shipment of radioactive material include a description of the physical and chemical form of the material.

Violation A-2: (Continued)

Contrary to the above, on December 24, 1980, the licensee delivered LSA radioactive material to a carrier for transport without properly describing the physical form of the material in the shipping papers in that the material in Drum No. 21 was listed as solid and the material was liquid as well as solid.

This is a Severity Level III Violation (Supplement V.C.3a)

Response:

We concur with the violation in that the radioactive shipment record for shipment OC-1189-80 did not include a listing of liquid under physical form.

During the shipment loading operation, the drums were inspected for liquids as required by Procedure 351.10. In light of this, the shipping papers were filled out accordingly, since no liquids were observed during the inspections. However, JCP&L feels that it met the full intent of 49 CFR 172.203(d)(1)(ii) in that the shipment documentation was filled out completely and accurately to the best of our knowledge using the inspections of Procedure 351.10 as a basis.

The Radioactive Material Handling Program has resulted in more detailed inspection and verification of waste and waste containers and has provided more accurate documentation of waste form which is used to complete the shipment documentation.

Full compliance with 49 CFR 172.203(d)(1)(ii) has been maintained.

Violation B:

10 CFR 30.41(a) requires that no licensee shall transfer byproduct material except as authorized pursuant to Section 30.41 of Part 30.

Contrary to the above, on December 24, 1980, the licensee transferred byproduct material without such transfer being authorized by 10 CFR 30.41. Specifically, the licensee transferred byproduct material in liquid form to Nuclear Engineering Company, Incorporated at their Beatty, Nevada burial site. Nuclear Engineering Company, Incorporated is not authorized to receive and dispose of liquid byproduct material according to State of Nevada (an Agreement State) requirements. Section 9B of the State of Nevada License No. 13-11-0043-02 states that all liquid radioactive waste shall be solidified prior to burial.

Violation B: (Continued)

Further, a May 17, 1978 letter from the State of Nevada to Nuclear Engineering Company, Incorporated denied NECO's request to extend its authority to receive liquid waste and solidify it. This letter stated, in part, "Beginning May 19, 1978, only radioactive liquid waste material in scintillation vials ... will be received for burial."

This is a Severity Level III Violation (Supplement IV.C.6)

Response:

JCP&L denies the above alleged violation in that we did not transfer any byproduct material in liquid form.

The above statement, "specifically, the licensee transferred byproduct material in liquid form to Nuclear Engineering Company, Incorporated at their Beatty, Nevada site" is in error in that the liquid which leaked from drum number 21 was found by NECO to contain no byproduct material above normal background. In addition, the inspection of the internals of drum 21 confirmed that the liquid had not been contaminated by the radioactive material in the waste bags nor had it leaked into the waste bags.