

July 19, 2002

The Honorable Tim Holden  
Member, United States  
House of Representatives  
The Corbit Building  
147 North Fifth Street  
Reading, Pennsylvania 19601

Dear Congressman Holden:

I am responding to your letter, dated May 24, 2002, relative to the concern of your constituent, Dr. Lewis Cuthbert. This concern was described in the letter you enclosed, which was addressed to Joseph Feola, Regional Director, Pennsylvania Department of Environmental Protection (PA-DEP), from Ms. Donna Cuthbert, Vice President, Alliance for a Clean Environment, dated May 10, 2002. In that letter, Ms. Cuthbert expressed concern about an occurrence involving the inadvertent transfer of five bags of radioactive material from Exelon Corporation's Limerick Generating Station (Exelon-LGS) to the Pottstown landfill.

On March 7, 2002, a worker at Exelon-LGS mistakenly deposited five yellow plastic bags, marked as containing radioactive material, in a dumpster that was reserved for clean (i.e., non-radioactive) municipal waste. On March 11, 2002, the dumpster was transferred to the Pottstown landfill for disposal. Upon unloading the dumpster, landfill workers recognized the markings on the five bags as indicating radioactive material, and notified appropriate personnel at Exelon-LGS. Exelon immediately dispatched radiation protection personnel to the landfill site. The five bags were found to be intact; radiological surveys of the area determined that the vicinity was not contaminated with any radioactive materials, and the radiation levels measured on the bags were found to be so low as to not have any significant impact on public health and safety. The five bags were promptly returned to Exelon-LGS for proper disposal in accordance with NRC regulatory requirements.

NRC regulations prohibit NRC licensees from disposing of any radioactive material, except as specifically authorized. Exelon-LGS is not authorized to dispose of any radioactive materials at the Pottstown landfill. To assure proper control, NRC requires licensees to secure radioactive materials from unauthorized removal or access as specified in 10 CFR 20.1801, "Security of stored material." Though the five bags containing radioactive materials were not purposely released by Exelon for disposal to the Pottstown Landfill, or actually disposed of at the landfill, NRC determined that Exelon failed to adequately control and secure the radioactive materials from unauthorized removal, which constituted a violation of NRC requirements.

NRC inspectors reviewed this issue as part of our routine inspection process, and determined that the bags contained general trash (paper, tape, gloves, plastic, etc.) having low-level contamination. The potential public radiation exposure was estimated to be about 0.00002 rem, which is indistinguishable from that of normal background. The NRC determined that this occurrence did not affect the health and safety of members of the public or impact the

The Honorable Tim Holden

-2-

environment. The circumstances were such that the finding was determined to have very low safety significance. Appropriately, the finding was documented as a non-cited violation in accordance with NRC's Enforcement Policy. Notwithstanding, Exelon-LGS has established several corrective actions to prevent recurrence. The details of this matter are discussed in NRC Inspection Report No. 50-352; 50-353/02-03, Section 2PS2 (enclosed).

Based on Ms. Cuthbert's characterization of a telephone discussion held on March 21, 2002, between herself and Dr. Shanbaky of our Region I office, it is possible that there was a misunderstanding. Dr. Shanbaky generally addressed the radiological significance of this occurrence; explained the roles of the PA-DEP and the NRC in response to the situation; and informed Ms. Cuthbert that the PA-DEP had specific radiological measurements of each bag, relative to her interest.

Radiation monitoring activities affecting the Pottstown landfill operation are within the domain of PA-DEP; therefore, we cannot explain or comment further on your constituents' perceptions. However, we understand that Mr. Joseph Feola is prepared to provide you with the results of PA-DEP's assessment of this matter.

We appreciate your interest in this matter and hope that we have been helpful. You may contact Mr. John White, Chief, Radiation Safety and Safeguards Branch, NRC Region I, at (610) 337-5114, if you require further information.

Sincerely,  
*/RA by William F. Kane Acting For/*

William D. Travers  
Executive Director of Operations

Enclosure: NRC Inspection Report No. 50-352; 50-353/02-03

cc: Joseph Feola, Director  
Southeast Regional Office  
Pennsylvania Department  
of Environmental Protection

Dennis K. Rathbun, Director  
Office of Congressional Affairs  
US Nuclear Regulatory Commission

Distribution: (See next page)

ML021710029

DOCUMENT NAME: G:\RSSB\WHITE\RESPONSE\TO\CONGRESSMAN\HOLDEN\REV2.WPD

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/DRS	RI/ORA	RI/DRS	RI/RA	HQ/EDO
NAME	JWhite	TWalker	WLanning	HMiller	WTravers
DATE	06/19/02	06/19/02	06/20/02	06/21/02	07/17/02

OFFICIAL RECORD COPY

OCA - Rathbun 0 7/18/02

DISTRIBUTION: (From previous page)

C. Paperiello, OEDO  
W. Kane, OEDO  
P. Norry, OEDO  
J. Craig, OEDO  
K. Cyr, OGC  
S. Burns, OGC  
S. Collins, NRR  
R. Zimmerman, NSIR  
M. Virgilio, NMSS  
H. Miller, RI  
W. Lanning, RI  
M. Shanbaky, RI  
A. Blough, RI  
J. Wiggins, RI  
J. White, RI  
J. Noggle, RI  
T. Walker, RI  
R. Bores, RI  
K. Gibson-Halvey, NRR  
S. Klementowicz, NRR  
R. Pederson, NRR  
G20020342  
CRC No. 02-0405

environment. The circumstances were such that the finding was determined to have very low safety significance. Appropriately, the finding was documented as a non-cited violation in accordance with NRC's Enforcement Policy. Notwithstanding, Exelon-LGS has established several corrective actions to prevent recurrence. The details of this matter are discussed in NRC Inspection Report No. 50-352; 50-353/02-03, Section 2PS2 (enclosed).

Based on Ms. Cuthbert's characterization of a telephone discussion held on March 21, 2002, between herself and Dr. Shanbaky of our Region I office, it is possible that there was a misunderstanding. Dr. Shanbaky generally addressed the radiological significance of this occurrence; explained the roles of the PA-DEP and the NRC in response to the situation; and informed Ms. Cuthbert that the PA-DEP had specific radiological measurements of each bag, relative to her interest.

Radiation monitoring activities affecting the Pottstown landfill operation are within the domain of PA-DEP; therefore, we cannot explain or comment further on your constituents' perceptions. However, we understand that Mr. Joseph Feola is prepared to provide you with the results of PA-DEP's assessment of this matter.

We appreciate your interest in this matter and hope that we have been helpful. You may contact Mr. John White, Chief, Radiation Safety and Safeguards Branch, NRC Region I, at (610) 337-5114, if you require further information.

Sincerely,

William D. Travers  
Executive Director of Operations

Enclosure: NRC Inspection Report No. 50-352; 50-353/02-03

cc: Joseph Feola, Director  
Southeast Regional Office  
Pennsylvania Department  
of Environmental Protection

Dennis K. Rathbun, Director  
Office of Congressional Affairs  
US Nuclear Regulatory Commission