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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

DEC 16 1982

R1/c-18  
070-00036

MEMORANDUM FOR: Region III Materials Files

THRU: *RG* R. Greger, Chief, Facilities Radiation  
Protection Section

FROM: C. C. Peck, Fuel Facility Inspector

SUBJECT: SUSPENSION OF COMBUSTION ENGINEERING BURIAL SITE  
PERMIT BY STATE OF NEVADA (DOCKET NO. 70-36)

The attached letter was sent to me for information by H. E. Eskridge, Licensing Supervisor at the Hematite facility of Combustion Engineering. The letter, from the State of Nevada, suspends Hematite's burial site permit for six months and imposes an administrative penalty of \$1500.

To obtain additional information, I discussed the matter with Bob Thomas, RV, on November 3, 1982. Thomas said RV had not been notified of the violation by Nevada and indicated that this is not unusual, since Nevada does not routinely advise RV of their inspection findings. At my request, he discussed the violation by telephone with John Vaden who provided the additional information that the hole in the box was apparently a nail hole with a diameter of 1/32", located about five inches from the bottom and five inches from one edge of the box. Vaden said there was no leakage. Combustion Engineering subsequently informed me that they were unaware of the hole and speculated that it might have been caused by removal of a nail from a plywood board during or before fabrication of the box. CE pointed out that the box was lined with plastic and there was no reason to believe that the plastic lining had been breached. The apparent absence of leakage from the box supports this assumption.

This incident does not appear to represent a violation of NRC or DOT regulations, and accordingly no enforcement action is recommended.

*CC Peck*

C. C. Peck  
Fuel Facility Inspector

Attachment: As stated

cc w/attachment:  
A. W. Grella, IE

L-111

→ C. PECK



STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH  
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES

505 EAST KING STREET  
CARSON CITY, NEVADA 89710  
TELEPHONE: (702) 885-4750

620 BELROSE STREET  
LAS VEGAS, NEVADA 89158  
TELEPHONE: (702) 385-0241

November 4, 1982

CERTIFIED MAIL

Robert C. Miller  
Production Control Supervisor  
Combustion Engineering, Inc.  
Post Office Box 107, Route 21A  
Hermatite, Missouri 63047

Dear Mr. Miller:

This letter confirms the telephone conversation between you and Stan Marshall of this office on October 26, 1982, in which Mr. Marshall stated that radioactive waste disposal permit number Q426 issued to Combustion Engineering was suspended indefinitely.

The reason for our action was that on October 26, 1982, shipment number HC74-010-5 containing radioactive waste from Combustion Engineering, Inc., was received at the State radioactive waste disposal site and one box (T-112) was found to have a hole in its side. This incident constituted a violation of Department of Transportation regulation 49CFR 173.392(c)(1) and Article 2.5.2.1 of the State of Nevada Regulation Governing Use of the State-Owned Area for Disposal of Radioactive Waste. The violation was Severity Level III. (2)

As a result of the above-cited violation, the following sanctions are imposed by the State of Nevada on Combustion Engineering, Inc.:

- (3)
1. An administrative penalty of \$1500 is levied.
  2. Permit No. Q426 is suspended for six (6) months from the date of this letter.
  3. The company's quality assurance program for packaging and shipping of radioactive waste, as well as the inspection program, must be satisfactorily changed to prevent recurrence of the above-cited violation.
  4. No shipment of radioactive waste may be sent to the Nevada State disposal site unless:
    - a. The administrative penalty has been received by this office. The check should be addressed to "Nevada State Health Officer".
    - b. The quality assurance and inspection programs have been changed and found to be satisfactory to this office.

Notes:

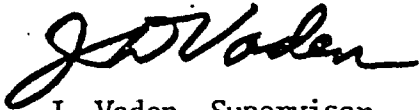
- (1) Vaden told Thomas, RV, that hole had 1/32" diameter. This is less than the usual space between the boards of a box, except that CE called the seams for this shipment.
  - (2) Nevada used NRC enforcement criteria to determine severity.
  - (3) Appears that CE need not pay the penalty if they never ship to Nevada again. What is an administrative default?
- NOV 12 1982  
C. Peck

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To Robert C. Miller  
Combustion Engineering, Inc.

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- c. For all shipments made during the suspension period, each container of radioactive waste must have been inspected by Nevada Inspection Services, Inc., prior to loading on the trailer, and the loaded trailer must also have been inspected by Nevada Inspection Services immediately prior to departure. In the event there are no shipments made during the suspension period, Nevada Inspection Services must inspect the first shipment scheduled after the end of the suspension period.

Sincerely,



J. Vaden, Supervisor  
Radiological Health

JV:jas

CC: Steve Carpenter  
Bert Gray  
Nevada Inspection Services