



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD
ARLINGTON, TX 76011-4511

May 22, 2017

EA-17-085

Mr. Mark E. Reddemann
Chief Executive Officer
Energy Northwest
MD 1023
P.O. Box 968
Richland, WA 99352

**SUBJECT: DISPUTED NON-CITED VIOLATIONS AND FINDING FROM NRC
INSPECTION REPORT 05000397/2016009**

Dear Mr. Reddemann:

This letter acknowledges your May 9, 2017, correspondence (ML17129A627) in response to NRC Inspection Report 05000397/2016009 (ML17100A499), dated April 10, 2017. In the inspection report, the NRC documented a preliminary White finding, a Green finding, and several non-cited violations. These findings and violations were identified during a special inspection of an improperly packaged and manifested radwaste shipment sent by Columbia Generating Station to US Ecology on November 9, 2016. The inspection report cover letter requested you to respond in writing within 30 days if you contested any of the non-cited violations or disagreed with the finding.

On May 9, 2017, the NRC received a letter from you contesting four of the findings in the inspection report: one Green NRC-identified non-cited violation, one Green self-revealed non-cited violation, one Green NRC-identified finding, and one SL-IV NRC-identified non-cited violation. Specifically, Energy Northwest disagreed with the following findings:

- (1) A Green NCV of 10 CFR 20.1904 identified in the report for the failure to ensure that each container of licensed material in the spent fuel pool bore a label or had documentation providing sufficient information to permit individuals handling the licensed material to minimize exposure. (NCV 05000397/2016009-03)
- (2) An SL-IV NCV of 10 CFR 50.71(e) identified in the report for the failure to periodically provide the NRC a final safety analysis report update with all changes made in the facility or procedures. Specifically, the licensee changed its radwaste management strategy for the spent fuel pool cooling and cleanup system and material being stored in the spent fuel pool. (NCV 05000397/2016009-06)

- (3) A Green finding identified in the report for the failure to follow the requirements of Procedure SWP-CAP-06, "Condition Report Review," when determining the type of cause evaluation required to assess the causes of the higher than expected dose rates on a radwaste container. Specifically, Procedure SWP-CAP-06 required that if an event has high risk and high uncertainty, the level of evaluation required is a root cause evaluation. (FIN 05000397/2016009-07)
- (4) A Green NCV of 10 CFR 61.56(b)(3) identified in the report for the failure to assure that void spaces within waste packages were reduced to the extent practicable. (NCV 05000397/2016009-09)

In addition, your letter requested that we consider combining four of the findings documented in the report into one violation as discussed in the NRC Enforcement Manual. Specifically, you requested the following findings be considered for treatment as a problem, as described in Section 1.3.5 of the Enforcement Manual:

- (1) A preliminary White finding and apparent violation of 49 CFR 173.427 identified in the report for the failure to ensure that the radioactive contents in a radwaste liner did not exceed the radiation level requirements for shipping. (AV 05000397/2016003-01)
- (2) A Green NCV of 10 CFR 20.1501, with three examples, identified in the report for the failure to conduct adequate surveys of the solid radwaste contents of a shipment that was packaged and transported for ultimate disposal. (NCV 05000397/2016009-02)
- (3) A Green NCV of 10 CFR 20.2006(b) identified in the report for the failure to ship radwaste with an accurate shipping manifest. (NCV 05000397/2016009-04)
- (4) A Green NCV of 10 CFR 30.41(b)(5) identified in the report for the failure to transfer byproduct material to an authorized waste disposal facility in accordance with the terms of the facility's license. (NCV 05000397/2016009-08)

In summary, the NRC is currently reviewing your basis for contesting the three violations and one finding. Additionally, we are evaluating your request to combine four of the issues into a problem. In parallel, the NRC is evaluating the information you provided at the May 2, 2017, Regulatory Conference regarding the preliminary White finding. Accordingly, we will provide the results of our evaluations by written response.

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS)

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Sincerely,

/RA Jeffrey Clark Acting for/

Anton Vogel, Director
Division of Reactor Safety

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 REPORT 05000397/2016009 – May 22, 2017

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SUNSI Review ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: HGepford Yes No Publicly Available Sensitive NRC-002

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