

APPENDIX A
NOTICE OF VIOLATION

Rochester Gas and Electric Company
Robert E. Ginna Nuclear Power Plant
49 East Avenue
Rochester, New York 14649

Docket No. 50-244
License No. DPR-18
EA 90-146

As a result of the inspection conducted on July 19, 1990, by a representative of the South Carolina Department of Health and Environmental Control, of a shipment of licensed material sent from your facility on July 13, 1990, and in accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C (1990), the following violation was identified.

10 CFR 20.301(a) states that no licensee shall dispose of licensed material except by transfer to an authorized recipient as provided in the regulations in Parts 30, 40, 60, 61, 70 or 72, whichever may be applicable. 10 CFR 30.41(c) states, in part, that before transferring byproduct material to a specific licensee of the Commission or an Agreement State, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred. Condition 60 of the State of South Carolina (an Agreement State) License Number 097, issued to Chem-Nuclear Systems, Inc., for the operation of the Barnwell Disposal Site states, in part, that loose radioactive waste within shipping casks is prohibited.

10 CFR 61.56 states the minimum requirements for all classes of waste to facilitate handling at a disposal site, and specifically requires in 10 CFR 61.56(b)(1), that waste must have structural stability which can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

Contrary to the above, on July 13, 1990, the licensee shipped a cask containing a disposal container of dewatered spent resin from their facility to Barnwell, South Carolina for disposal in a configuration that did not provide for structural stability after disposal, in that the cask contained some loose resins outside the disposal container but within the shipping cask.

This violation has been categorized at a Severity Level III (Supplement IV).

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APPENDIX A

2

Pursuant to the provisions of 10 CFR 2.201, Rochester Gas and Electric Company is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.

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