



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 14 1980

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Frank
Dear Dr. Bradley:

Thank you for your response of April 25, 1980 to my April 15, 1980 letter concerning the inspection of Union Carbide's waste disposal and shipping practices. The NRC investigation of the Union Carbide waste shipment, which Nevada did not permit to bury, concluded there were three violations of DOT and NRC requirements and three contributing causes:

Violations

1. 44 CFR 172.203(d). Incorrect description of the physical form of the material in 5 drums as solid, and incorrect certification that the waste met the requirements for burial;
2. 49 CFR 173.392(c)(9). Failure to mark the bill of lading to show exclusive use of the vehicle was required and failure to provide specific instructions to the carrier for maintenance of the exclusive use shipment; and
3. 10 CFR 30.41 (b)(5), 40.51 (b)(5), and 70.42 (b)(5). Transfer of liquid materials in vials in other than scintillation vials.

Causes

1. Inadequate procedures for waste disposal;
2. Inadequate administrative procedures to assure compliance with requirements; and
3. Inadequate training of personnel.

A copy of the NRC investigation report was sent to you on April 15, 1980.

Union Carbide's reply to you dated March 28, 1980, seems to address violation no. 1 and cause no. 1 (although details of the licensee's waste package certification and witness program were not provided). There was

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no information relating the licensee's program to train and instruct personnel in these procedures. There was no information reporting the steps taken to correct and prevent recurrence of violation nos. 2 and 3. No information is provided that would be responsive to cause no. 2 (inadequate administrative procedures to assure compliance).

NRC Bulletin 79-20, which was sent by you to your licensees on November 15, 1980, calls for the licensee to take specific steps to assure the safe transfer, packaging and transport of low-level waste. These included training and retraining of employees and establishment of a management-controlled audit function to assure compliance with requirements. Further, an audit should be performed within 60 days of the date of the bulletin.

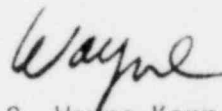
We believe it would be appropriate for New York to specifically follow-up on these items to the extent they apply to materials subject to New York regulation. Specifically, we recommend New York obtain responses from Union Carbide that address the other reported violations, and that New York assure itself that Union Carbide has implemented all of the actions called for in NRC Bulletin 79-20.

It is not clear that New York has taken any enforcement steps beyond the usual exchange of enforcement letter and licensee's reply. As you are aware, NRC has proposed civil penalties be imposed upon Union Carbide, and Smith, Kline and French for violations occurring under NRC jurisdiction in this case. In my April 15, 1980 letter, I recommended strong enforcement action also be taken by New York in this matter. I would appreciate being kept informed of the steps that will be taken by New York to impress upon the licensee the importance of full compliance with packaging and shipping requirements for low-level radioactive wastes.

South Carolina has also expressed concern about the preparation and documentation by Union Carbide of radwaste shipments to Barnwell (Enclosure 1). In response to South Carolina's request, NRC performed an inspection in collaboration with New York on January 29 - February 1, 1980 of Union Carbide's program for packaging low-level radioactive waste for transport and burial. Several portions of the report pertain to the items discussed above, and I have enclosed a copy of the report for your information (Enclosure 2).

We appreciate your cooperation in this matter.

Sincerely,



G. Wayne Kerr
Assistant Director
for State Agreements Program
Office of State Programs

Enclosures:
As stated

cc: J. Spath