



Commonwealth Edison
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May 9, 1980

Mr. James G. Keppler, Director
Directorate of Inspection and
Enforcement - Region III
U.S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, IL 60137

Subject: Quad Cities Station Unit 1
Additional Response to IE
Inspection Report No. 15000039/79-08E
NRC Docket Nos. 50-254

References (a): A. B. Davis letter to C. Reed dated April 21,
1980

(b): D. L. Peoples letter to J. G. Keppler dated
March 18, 1980

Dear Mr. Keppler:

Reference (a) provided a reply to our response to the subject inspection report (Reference (b)). This reply stated your disagreement with our interpretation of the regulations and our position that a noncompliance did not occur. Reference (a) cited Regulations 49 CFR 173.392 (c)(8), 49 CFR 171.8, and 49 CFR 173.393 (j)(3) and (4) to identify sections where noncompliance existed.

The above regulation wording apparently allows different interpretations. Our review of these regulations continues to support our conclusion that the radioactive waste shipment identified in the subject inspection report was in full compliance with the regulations. Our basis for this is as follows:

1. 49 CFR 171.8 defines "Package" or "Outside Package" as packaging plus its contents. "Packaging" is defined as "the assembly of one or more containers and any other components necessary to assure compliance with the minimum packaging requirements of this subchapter..." (emphasis added). This definition also excludes freight containers from the definition of "packaging". Note that "packaging" is defined as one or more

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containers not one or more packages. The drums which were shipped are approved Type A packages, and in themselves met all applicable packaging requirements as stated in the definition of packaging, as will be shown below.

2. 49 CFR 173.393 (j)(1) through (4) specify radiation limits for shipment. The only packaging requirement is part (j)(1). The individual Type A packages, the drums themselves, met this requirement. The radiation limits set forth in parts (j)(2) through (4) are vehicle requirements. The shielded cask is used to meet the vehicle requirements only, and is not necessary to meet the minimum packaging requirements. Therefore, applying the definition of "package" in 49 CFR 171.8, the cask must be defined as part of the vehicle (or a freight container) and not a package.
3. 49 CFR 173.392 (c)(8) requires the outside of each outside package to be marked "Radioactive-LSA". Since the drums are the packages and not the cask (see 2 above) this requirement was satisfied.
4. The shipping cask is more properly classified as a freight container. 49 CFR 171.8 defines a "freight container" as "a reuseable container having a volume of 64 cubic feet or more designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation". As stated in 1. above, a freight container is specifically excluded from the definition of "packaging". Since it is not a package, it need not be marked per 49 CFR 173.392(c)(8).

Based on the above discussion, we believe that the radioactive waste shipment identified in the subject inspection report did meet all applicable requirements of 49 CFR Part 170-189, as required by 10 CFR 71.5, and that there were no items of noncompliance.

Please address any additional questions you may have concerning this matter to this office.

Very truly yours,

D. L. Peoples
D. L. Peoples
Director of
Nuclear Licensing