RECORD #28

TITLE: Futher Guidance On Labeling Requirements

01/61/81
/Buchanan

SEP 14 1981

Docket Nos. 50-313
50-368

Mr. David C. Trimble
Manager, Licensing
Arkansas Power & Light Company
P.O. Box 551
Little Rock, Arkansas 72203

Dear Mr. Trimble:

On June 19, 1981, you wrote to the Director of Nuclear Reactor Regulation requesting clarification of 10 CFR 20.203(f)(1) and (2) requirements. By letter dated July 13, 1981, to Mr. Cavanaugh you were informed that your request was being referred to this Division for resolution.

Your letter referred to a citation, resulting from the NRC Radiological Assessment Team Appraisal, for failing to label containers of radioactive material in accordance with 10 CFR 20.203(f)(1) and (2). You indicated that although you agree that the specific situation cited was a violation of 10 CFR 20.203(f)(1) and (2), you viewed the requirements to label every container of radioactive material inside "Controlled Access" at the ANO site as impractical, costly, and virtually impossible to comply with. You therefore requested clarification of 10 CFR 20.203(f)(1) and (2) requirements that might allow more flexibility with respect to container labeling requirements.

Some degree of flexibility with respect to 10 CFR 20.203(f)(1) and (2) requirements is allowed through the exceptions provided in 10 CFR 20.203(f)(3). If these exceptions do not provide the relief necessary to make your radioactive materials control program practical to implement, exemptions may be requested in accordance with 10 CFR 20.501.

You specifically requested a statement regarding (a) the definition of a container and (b) the situation or time when labeling must commence. Since there is no special definition of "container" in 10 CFR Part 20, the usual (dictionary) meaning of the term applies; that is a container is "a thing in which material is held or carried." In general, a container should be labeled when the radioactive material is added to it. However, we appreciate that certain conditions may exist where the addition of appropriate information to the label may necessitate some delay. For example, dose rate information may not be added until the container is filled, or the final dose rate information may not be added until the container can be moved to a low-background area for measurement.

In summary, although 10 CFR 20.203(f)(1) and (2) do not provide the "flexibility" you desire, we suggest that you consider the following possibilities for reducing the burden of labeling containers of dry radioactive waste. First, consider the possibility of utilizing the exceptions provided in 10 CFR 20.203(f)(3). Second, consider applying for an exemption, pursuant to 10 CFR 20.501, from the requirements of 10 CFR 20.203(f). In any case,

to be acceptable, alternative methods of control (such as those suggested by you of color coding and establishing posted local radioactive materials storage areas) must provide worker protection and material controls equivalent to those of the labeling described in 20.203(f)(1) and (2). These alternative methods should assure that exposures are ALARA, and should be formally documented in procedures and included in training. Third, should you find that these approaches do not provide the flexibility you desire, you might consider submitting a petition for rulemaking, pursuant to 10 CFR 2.802. Under this provision, interested persons may petition the Commission to issue, amend or rescind any of its regulations.

Sincerely,

Harold D. Thornburg
Director
Division of Safeguards and Radiological Safety Inspection
Office of Inspection and Enforcement

bcc:
J. F. Stolz, NRR
R. A. Clark, NRR
D. Collins, NRR
J. H. Joyner, RI
A. F. Gibson, RII
R. Greger, RIII
G. D. Brown, RIV
B. Murray, RIV
J. Everett, RIV
H. E. Book, RV

Record Note: Comments of ELD (Ron Mount/J. Lieberman) and NRR (R. Serbu/ D. Collins) have been incorporated.

WPU:JD	RRSS:RSB	RRSS:RSB	RSB:IE	D:SRSI:IE
5520	JCochran	LJCunningham	LHigginbotham	HDThornburg
8/18/81	9/2/81	9/ /81	9/ /81	9/ /81

Mr. David C. Trimble

cc:
Mr. William Cavanaugh, III
Senior Vice President - Energy Supply
Arkansas Power & Light Company
P. O. Box 551
Little Rock, Arkansas 72203

Mr. James P. O'Hanlon
General Manager
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Mr. William Johnson
U.S. Nuclear Regulatory Commission
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Arkansas Tech University
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Honorable Ermil Grant
Acting County Judge of Pope County
Pope County Courthouse
Russellville, Arkansas 72801

Director, Bureau of Environmental
Health Services
4815 West Markham Street
Little Rock, Arkansas 72201

U.S. Environmental Protection Agency
Region VI Office
ATTN: EIS COORDINATOR
1201 Elm Street
First International Building
Dallas, Texas 75270

from Bill Crow – Exxon License

Jerry – Example of Exemption from 20.203(f) Containers Labeling requirements

XII. CONCLUSION

Upon completion of the safety review of the licensee's application and compliance history, the staff has concluded that the activities authorized by issuance of a revised license to Exxon Nuclear Company, subject to the conditions developed by the staff of the Uranium Fuel Licensing Branch, will not constitute an undue risk to the health and safety of the public. Furthermore, the staff has determined that the application fulfills the requirements of 10 CFR 70.23(a) subject, however, to the imposition of whatever additional license requirements may be determined necessary as a consequence of the environmental impact appraisal now being made. The issuance of a full, 5-year term renewal license should be held in abeyance until the additional requirements have been determined.

The staff, therefore, recommends that the Exxon Nuclear Company license be revised it in its entirety, in accordance with the statements, representations and conditions contained in Part I and the appendices to Part I of the licensee's application transmitted by letter dated May 31, 1979, and supplements, subject to the following conditions and continued on a timely renewal basis until completion of the environmental appraisal:

9. Authorized Use: For use in accordance with statements, representations and conditions contained in "License Conditions," Part I and the Appendices to Part I (Special Conditions, Decommissioning Plan, Emergency Plan) of the licensee's application transmitted by letter dated May 31, 1979, and supplements transmitted by letters dated February 22, March 13, April 29, June 5, June 19, and June 27, 1980.

10. Authorized Place of Use: The licensee's existing facilities near Richland, Washington, as described in the referenced application, Table 1.3-1.

11. All areas in which radioactive materials are stored, handled, or used shall be posted with caution signs meeting the requirements of Title 10, CFR Part 20.203, except that of 20.203(f). In lieu of 20.203(f) requirements, a sign bearing the legend "Every container or vessel in this area, unless otherwise identified, may contain radioactive material," shall be posted at entrances to each building in which radioactive materials are used, stored, or handled.

12. Notwithstanding the evaluation of training effectiveness as described in the last paragraph under 3.10 on page 3.59 of the License Conditions section of the application, the effectiveness of refresher training shall be evaluated using written tests conducted for such purpose and signed by the individual being tested.

13. The licensee is exempted from the monitor alarm requirements of Section 70.24, 10 CFR Part 70, in the areas specified below:

    a. SNM Accountability Measurement Station, and

ARKANSAS POWER & LIGHT COMPANY
POST OFFICE BOX 551 LITTLE ROCK, ARKANSAS 72203 (501) 371-4000

June 19, 1981

ØCANØ68105

Director of Nuclear Reactor Regulation
ATTN: Mr. J. F. Stolz, Chief
Operating Reactors Branch #4
Division of Licensing
U. S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Director of Nuclear Reactor Regulation
ATTN: Mr. Robert A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing
U. S. Nuclear Regulatory Comm.
Washington, D.C. 20555

SUBJECT: Arkansas Nuclear One - Units 1 & 2
Docket Nos. 50-313 and 50-368
License Nos. DPR-51 and NPF-6
Request for Interpretation of 10 CFR 10.203(f)

Gentlemen:

A recent NRC Radiological Assessment Team Appraisal resulted in a citation for failing to label containers of radioactive material in accordance with 10 CFR 20.203(f)(1) and (2). While Arkansas Power & Light Company (AP&L) believes the specific situation cited was a violation of the 10 CFR 20.203(f)(1) and (2) guidelines, the Radiological Assessment Team and the Regional NRC Inspector's interpretation of the 10 CFR 20.203(f)(1) and (2) requirements were viewed as impractical and costly if applied to all radioactive material on the ANO site. Specifically, the NRC inspectors desire that we label every container, bag, etc. of radioactive material inside Controlled Access* is virtually impossible to comply with.

In the course of one day, Arkansas Nuclear One (ANO) has generated as many as 2,000 bags of contaminated trash and tools. Most of these packages contain material with contamination levels less than 20,000 DPM/100cm^2 or less than 1/mr/hr exposure rates. It is AP&L's belief that the intent of the regulation was to prevent severe overexposures (internal or external) and to ensure minimal personnel exposure when working in areas containing packages of

* That portion of the station to which access is positively controlled for radiological protection purposes.

radioactive material. AP&L supports this intent and the ALARA philosophy which is coincidental with this intent. However, the dynamic working environment at a power reactor causes alternative methods of control to be more cost and exposure effective than the labeling of every package generated.

Specific problems with the NRC Region IV interpretation of the regulation involve the following:

(a) The labeling of every package without regard for the radiological contents of the container or the area in which the package is used.

(b) The type of information required on the label. No allowance is made for alternate steps such as color coding to display the potential hazard of the material.

(c) The point in time or situation where the label must be affixed to the package.

To aid in clarification of 10 CFR 20.203(f)(1) and (2) requirements and ensure consistency in radiation protection practices, AP&L requests an NRR statement regarding the following:

(a) The definition of a container.

(b) The situation or time when labeling must commence.

Additionally, AP&L desires to know if flexibility is contained within the regulation to allow:

(a) Color coding to represent the hazardous nature of material rather than labeling and specific written information.

(b) Posting of areas containing radioactive material containers rather than the labeling of each container.

(c) The allowance to not label a container or package if the material represents no greater hazard than those conditions that exist in the area in which it is located.

Very truly yours,

Donald C. Trimble

for David C. Trimble
Manager, Licensing

DCT:DDS:lp

E/W1 GD

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

July 13, 1981

Dockets Nos. 50-313
and 50-368

Mr. William Cavanaugh, III
Senior Vice President
Energy Supply
Arkansas Power & Light Company
P. O. Box 551
Little Rock, Arkansas 72203

Dear Mr. Cavanaugh:

This is to acknowledge receipt of your letter dated June 19, 1981, concerning your request for interpretation of 10 CFR 10.203(f). Interpretations of the Regulations are usually made by the General Counsel; however, we believe that a licensee should first exhaust all available appeal paths through the Office of Inspection and Enforcement on disputes concerning Regional inspections interpretations. For this reason we are referring your request for resolution to the Division of Safeguards and Radiological Inspection of the Office of Inspection and Enforcement, Harold D. Thornburg, Director.

Sincerely,

John F. Stolz

John F. Stolz, Chief
Operating Reactors Branch #4
Division of Licensing

Robert A. Clark

Robert A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing

cc: See next page

Arkansas Power & Light Company

cc w/enclosure(s):

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Manager, Licensing
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Arkansas Tech University
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Honorable Ermil Grant
Acting County Judge of Pope County
Pope County Courthouse
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Region VI Office
ATTN: EIS COORDINATOR
1201 Elm Street
First International Building
Dallas, Texas 75270

ARKANSAS POWER & LIGHT COMPANY
POST OFFICE BOX 551 LITTLE ROCK, ARKANSAS 72203 (501) 371-4000

June 19, 1981

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Director of Nuclear Reactor Regulation
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Division of Licensing
U. S. Nuclear Regulatory Comm.
Washington, D.C. 20555

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Donald C. Trimble

for David C. Trimble
Manager, Licensing

DCT:DDS:lp