

DEC 06 1991

Docket No. 50-219

Mr. John J. Barton
Vice President and Director
GPU Nuclear Corporation
Oyster Creek Nuclear Generating Station
P. O. Box 388
Forked River, New Jersey 08731

Dear Mr. Barton:

Subject: Inspection No. 50-219/91-20

This refers to your letter dated October 11, 1991, in response to our letter dated September 11, 1991.

In your letter you concur with the violation as written. In addition, your letter details several reasons why your staff did not expect a Notice of Violation (NOV) to accompany NRC Inspection Report No. 50-219/91-20. The NOV was issued for an incident involving a June 24, 1991, shipment of radioactive material which did not identify asbestos, a hazardous substance, on the manifest. On October 24, 1991, Walter Pasciak and Peter O'Connell, of my staff, held a telephone conversation with several of your supervisory personnel to discuss the NOV and your response.

Your response letter states that the event was not mentioned by the region-based inspector at the exit meeting. On July 12, 1991, the region-based inspector held the exit meeting for Inspection No. 50-219/91-20. At that time licensee personnel could not provide the inspector with sufficient information to determine whether the shipment constituted a violation. Specifically, the licensee had not yet determined whether the radioactive material shipment contained over one pound, a reportable quantity, of asbestos. At the exit meeting, the incident was described as an unresolved item pending the licensee's determination of the amount of asbestos shipped. During a July 17, 1991, telephone conversation with the Radiological Controls Director, the region-based inspector was informed that your staff had determined that the shipment contained a reportable quantity of asbestos. At that time the incident was described as an apparent violation.

Your letter also describes the incident as licensee identified. In this instance, an offsite vendor identified and informed your staff of a discrepancy between the shipping manifest and actual material in the shipment, which your staff recognized as a violation. However, this is not considered licensee identified because (1) your staff would not have been aware of the incident if the offsite vendor had not informed your staff of the discrepancy and (2) NRC policy is that once radioactive material has left the control of the licensee, and a violation is identified, unless the violation was found as the result of a licensee audit, the licensee does not get credit for self-identification.

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Your response letter also states that corrective actions had been developed prior to Inspection No. 50-219/91-20. Your staff first became aware of the incident on July 11, 1991. At the time of the exit meeting on July 12, 1991, no corrective actions other than scheduling a critique of the incident had been developed. The NRC appreciates that, due to the incident occurring very late in the inspection period, it would have been very difficult for your staff to determine the root cause of the incident and develop appropriate corrective actions prior to the exit meeting. Notwithstanding this consideration, given that the violation was not licensee identified, the enforcement action of issuing a NOV is consistent with the NRC Enforcement Policy.

Thank you for informing us of the corrective and preventive actions documented in your letter. These actions will be examined during a future inspection of your licensed program.

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:
Malcolm R. Knapp

Malcolm R. Knapp, Director
Division of Radiation Safety
and Safeguards

cc:

M. Laggart, Manager Corporate Licensing
G. Busch, Licensing Manager Oyster Creek
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
K. Abraham, PAO (2)
NRC Resident Inspector
State of New Jersey

bcc:

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DRSS SALP Coordinator
J. Joyner, DRSS
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A. Dromerick, NRR/PD 1-4
F. Young, SRI, Three Mile Island
J. Jeall, SRI, Beaver Valley
E. Wenzinger, DRP
R. Lobel, EDO

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OE, J. LIEBERMAN
CONCLUDED ON VERDICE CONCERNING
NRC POLICY IN THE 4th PARAGRAPH (B)
11/26/91 *Ell*

Good

RI:DRSS
D'Connell/GMP

11/22/91

[Signature]

RI:DRSS
Pasciak

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RI:DRSS
Juyner

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11/21/91

RI GPU 91-20 - 0002.0.0
11/14/91

[Signature]
RI:ED
Holiday
12/9/91

RI:DRSS
Knapp

12/16/91

[Signature]
for next



GPU Nuclear Corporation
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609-971-1000
Writer's Direct Dial Number

C321-91-2279
October 11, 1991

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

Dear Sir:

Subject: Oyster Creek Nuclear Generating Station
Docket No. 50-219
Inspection Report 50-219/91-20
Response to Notice of Violation

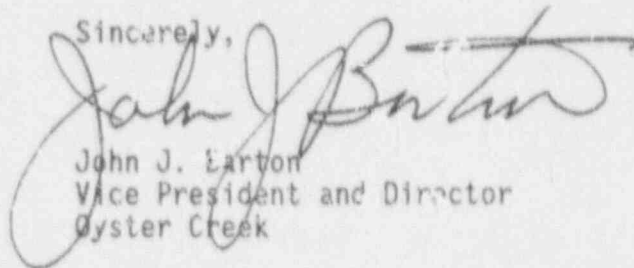
On September 11, 1991, GPU Nuclear received NRC Inspection Report 50-219/91-20. Appendix A to that report contained Notice of Violation with a 30 day response requirement. Attachment 1 to this letter fulfills that requirement.

Although GPU Nuclear concurs in the violation as written, we felt our response to this event was timely and effective. This event involved an administrative error with no safety significance. It was licensee identified and corrective actions are approaching completion. The NRC Resident Inspectors had been informed of the event on the day it was discovered, and were advised of the planned corrective actions.

This event was first noted by the region based inspector during his review of corrective actions in progress. As this event was not mentioned by the region based inspector as a potential violation at the exit meeting, we believed our actions were appropriate and did not expect a Notice of Violation. This response documents corrective actions which had been developed prior to the inspection and the subsequent Notice of Violation. Following our review of the Notice of Violation, we have concluded no further corrective actions beyond those in progress need to be taken.

If any further information is required, please contact Mr. John Rogers at 609-971-4893.

Sincerely,



John J. Earton
Vice President and Director
Oyster Creek

JJB\JR:jc
attachment

cc: Administrator, Region 1
Senior NRC Resident Inspector
Oyster Creek NRC Project Manager

Attachment I

Violation:

10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside of the confines of its plant or other place of use shall comply with the applicable requirements of the regulations appropriate to the mode of transports licensed material outside of the confines of its plant or other place of use shall comply with the applicable requirements of the regulations appropriate to the mode of transport of DOT 49 CFR Parts 170 through 199.

49 CFR 172.200(a) requires, in part, that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner described by this subpart.

49 CFR 172.203(c)(1) requires, in part, that if the proper shipping name for a material that is a hazardous substances does not identify the hazardous substance by name, the following description shall be entered, in parentheses, in association with the basic description: The name of the hazardous substance as shown in the appendix to 172.101.

Contrary to the above, on June 24, 1991, the licensee made an offsite radioactive material shipment, Shipment Number OC-1081-3, without identifying on the shipping papers a hazardous substance, asbestos, which was contained in the shipment.

Response:

OCN concurs with the violation.

On June 24, 1991, Oyster Creek Nuclear Generating Station (OCNGS) shipped dry activated waste (DAW) to Scientific Ecology Group (SEG) in Knoxville, Tennessee. Upon receipt of shipment OC-1081-91, SEG notified OCNGS that several bags of asbestos, approximately 60 ft.³, were discovered inside normal DAW packages. The inner bags of asbestos were properly packaged and clearly marked "asbestos", the markings had not been placed on the outer DAW package. Additionally, it was noted that the manifest for this shipment did not list these bags of asbestos.

As SEG is the waste disposal contractor used by OCNGS for contaminated asbestos, the asbestos was processed for disposal and the manifest corrected. Radwaste Shipping management at OCNGS was notified by SEG and issued a deviation report (DVR) to document the occurrence and subsequent preventive/corrective actions. Long term corrective action is being taken to devise a specifically colored bag to denote contaminated asbestos. Procedures are being revised to require use of this package for asbestos. This is presently projected for completion by December 30, 1991.

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Attachment 1
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OCNGS has determined this event has very low safety significance and has no possibility of adversely affecting the health and safety of the public. Regulations allow the omission of asbestos from shipping papers if the quantity contains less than 1 pound friable fibers. As the asbestos had already been processed for disposal by SEG, analyses of the weight was not possible. OCNGS management issued the DVR treating this event as a physical violation since it was not possible to determine otherwise. The NRC Resident Inspector had been notified of this event when it occurred. The region based inspector became aware of this event through corrective actions of the licensee after the licensee had initiated actions to prevent recurrence.

Full compliance was achieved on July 19, 1991 when the incomplete paperwork was administratively corrected and transmitted to the waste disposal contractor.