



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

September 13, 2006

EA-06-149
NMED 060138

Richard M. Rosenblum
Chief Nuclear Officer
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

SUBJECT: NOTICE OF VIOLATION (NRC Inspection Report No. 050-00206/06-011)

Dear Mr. Rosenblum:

This refers to the routine inspection conducted on May 8-11, 2006, at Southern California Edison's (SCE) San Onofre Nuclear Generating Station Unit 1 facility. The inspection was conducted to review decommissioning activities at Unit 1 and included a review of a transportation event in which an SCE shipment of low specific activity liquid radioactive waste leaked from its transport container in Utah. SCE notified the U.S. Nuclear Regulatory Commission (NRC) of the transportation event on February 23, 2006. The findings from the inspection were discussed with you during an exit briefing on June 26, 2006, and were documented in NRC Inspection Report No. 050-00206/06-011 dated July 5, 2006.

During the inspection, three apparent violations were identified all relating to the transportation event. In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. By letter dated August 2, 2006, you provided a written response to the apparent violations in which you indicated that the violations occurred. Your response also presented your perspective on the safety significance of the violations, and your evaluation was that the violations should be classified at Severity Level IV. Your position was based primarily on your assessment of actual safety and radiation dose consequences.

Based on the information developed during the inspection and the information that you provided in your August 2, 2006, letter, the NRC has determined that three violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations involved your failures to (1) ensure by examination or appropriate tests that the top discharge valve of the tanker was properly closed and sealed; (2) load the tanker to the required fill density; and (3) maintain, fill, and close the tanker so that, under conditions normally incident to transportation, there would be no identifiable release of materials to the environment.

In evaluating the safety significance of the event, the NRC notes that the actual safety consequences of the event were low because the leakage of radioactive material from the transport container was limited to a small quantity of low specific activity material which was discovered and removed shortly after the release occurred. Consequently, there was no significant risk of exposure to any member of the public. The significance of the violations lies in the fact that SCE did not take the required actions to ensure there would be no leakage of the radioactive contents from the tanker, and as a result, a small amount of radioactive liquid leaked from the tanker to the ground requiring remediation of the area. In accordance with the NRC Enforcement Policy, Supplement V, "Transportation," Section C.3(b) and (c), Severity Level III violations include violations with packaging, loading, or other requirements that could reasonably result in a failure of the carrier to exercise adequate controls or could reasonably result in a substantial potential for contamination above regulatory limits. Therefore, these violations have been categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$65,000 is considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. We note your staff's prompt corrective actions to remediate the spilled radioactive material and the actions you took to institute program changes to help prevent recurrence of the incident. In view of your actions, the NRC has concluded that credit for *Corrective Action* is warranted.

Therefore, in recognition of the absence of previous escalated enforcement action and to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report No. 050-00206/06-011 and your response letter dated August 2, 2006. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes

significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

/RA/

Bruce S. Mallett
Regional Administrator

Docket No.: 50-206
License No.: DPR-13

Enclosure: Notice of Violation

cc w/Enclosure:
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D Starkey	C Craig, NMSS
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C Evans, Reg II - CFE	K O'Brien, Reg III - KGO
R Pascarelli, NRR - RJP3	

SUNSI Review Completed: RJE ADAMS: Yes No Initials: RJE
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DOCUMENT NAME: s:\ras\aces\enforcement\lea cases - open\SONGS-transportation\enf action\dft-EA-06-149_SONGS_NOV.wpd

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*Previously concurred OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

ENCLOSURE

NOTICE OF VIOLATION

Southern California Edison
San Onofre Nuclear Generating Station - Unit 1

Docket No.: 50-206
License No.: DPR-13
EA-06-149

During an NRC inspection conducted on May 8-11, 2006, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport shall comply with the applicable requirements of the U.S. Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

- A. 49 CFR 173.475 requires, in part, that before each shipment of any Class 7 (radioactive) materials package, the offeror must ensure by examination or appropriate tests that the packaging is proper for the contents to be shipped and that the packaging is in an unimpaired physical condition. In addition, 49 CFR 173.475(f) requires, in part, that, before each shipment of any radioactive materials package, the shipper ensure by examination or appropriate tests that each closure, valve, or other opening of the containment system through which the radioactive content might escape is properly closed and sealed.

Contrary to the above, prior to the shipment of liquid radioactive low specific activity material on February 22, 2006, the licensee did not ensure by examination or appropriate tests that the package was in an unimpaired physical condition. Specifically, while in transport, it was discovered that the package was in an impaired physical condition. The outlet valve flange on the siphon drain line was connected to the tank using improperly sized bolts which resulted in insufficient compression being applied to the gasket and allowed leakage through the flange.

- B. 49 CFR 173.32(f)(5) requires, in part, that an intermodal (IM) portable tank having a volume greater than 7,500 L (1,980 gallons) may not be loaded to a filling density of more than 20 percent and [not] less than 80 percent by volume.

Contrary to the above, on February 22, 2006, the licensee loaded two IM portable tanks with a volume greater than 7,500 L to a filling density of more than 20 percent and less than 80 percent by volume and offered these portable tanks for shipment. Specifically, the licensee loaded two IM portable tanks with a capacity of 24,000 L (6,340 gallons) with 17.037 m³ (4,500 gallons) for a filling density of 71 percent by volume.

- C. 49 CFR 173.24(b)(1) requires, in part, that each package used for the shipment of hazardous materials be designed, constructed, maintained, filled, its contents so limited, and closed, so that, under conditions normally incident to transportation, there will be no identifiable release of hazardous materials to the environment.

Contrary to the above, on February 22, 2006, the licensee used a package that was not maintained, filled, and closed, so that, under conditions normally incident to transportation, there was an identifiable release of hazardous materials to the environment. On February 23, 2006, the carrier found that, under conditions normally incident to transportation, there was a leak of hazardous materials to the environment.

This is a Severity Level III problem (Supplement V).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report No. 050-00206/06-011 and Southern California Edison's letter dated August 2, 2006. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-06-149" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation (Notice), within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Dated this 13th day of September 2006