

APPENDIX A

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point Unit 1

Docket No. 50-220
License No. DPR-63

As a result of an inspection conducted on September 23, 1981 by a representative of the South Carolina Department of Health and Environmental Control of a shipment of radioactive waste sent from your facility in Oswego, New York on September 21, 1981, and in accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), the following violation was identified:

10 CFR 30.41 prohibits transfer of byproduct material unless it is in a form authorized by the recipient's NRC or Agreement State license. South Carolina License No. 097, an Agreement State license issued to Chem-Nuclear Systems, Inc., prohibits the receipt of solidified waste with "detectable free standing liquid," which is defined in the license as liquid in excess of 1.0 percent by waste volume for high integrity containers.

Contrary to the above, on September 23, 1981, a waste shipment of byproduct material containing 7.458 curies of solidified evaporator bottoms was transferred to Chem-Nuclear Systems, Inc. at Barnwell, South Carolina in a high integrity container, Chem-Nuclear Systems, Inc. shipping cask, Model No. 14-195-H. The shipment contained detectable free standing liquid (11.7% liquid by waste volume).

This is a Severity Level III violation. (Supplement IV.C.6)

Pursuant to the provisions of 10 CFR 2.201, Niagara Mohawk Power Corporation is hereby required to submit to this office within thirty days of the date of this Notice, a written statement or explanation in reply, including:

- (1) the corrective steps which have been taken and the results achieved;
- (2) corrective steps which will be taken to avoid further violations; and
- (3) the date when full compliance will be achieved. Under the authority of Section 182 of the Atomic Energy Act of 1954, as amended, this response shall be submitted under oath or affirmation. Where good cause is shown, consideration will be given to extending your response time.

Dated JAN 7 1982

Original Signed By: _____

Thomas T. Martin, Director,
Division of Engineering and
Technical Inspection

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