

JUL 02 1985

Docket No. 50-220  
License No. DPR-63  
EA 85-72

Niagara Mohawk Power Corporation  
ATTN: Mr. B. G. Hooten  
Executive Director  
Nuclear Operations  
c/o Miss Catherine R. Seibert  
300 Erie Boulevard West  
Syracuse, New York 13202

Gentlemen:

Subject: Notice of Violation (NRC Inspection No. 50-220(85-08))

This refers to an inspection conducted by a representative of the South Carolina Department of Health and Environmental Control on May 6 and 7, 1985 of a shipment of radioactive waste from Nine Mile Point Nuclear Power Plant, Unit 1. The shipment was inspected upon its arrival at the Chem-Nuclear Systems, Inc., burial site at Barnwell, South Carolina.

Areas examined during this inspection are described in a report by the representative of the South Carolina Department of Health and Environmental Control, which is attached to the NRC Region I Inspection Report enclosed with this letter. The inspection consisted of a review of shipping papers, placarding, marking and labeling, radiation measurements, selective contamination surveys, and examination of the packages and the tractor-trailer.

Based on the results of the inspection, it appears that one of your activities was not conducted in full compliance with NRC requirements, as set forth in the Notice of Violation. This violation involves non-fixed radioactive contamination in excess of permissible quantities which was detected on the external surfaces of packages used for shipping licensed material. The violation has been categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985).

The violation for which you have been cited has already been the subject of enforcement action by the State of South Carolina on May 8, 1985. On May 8, 1985, the State of South Carolina assessed a civil penalty of \$5,000.00. In addition your South Carolina Waste Transport Permit was suspended for not less than 30 days. You were also required to demonstrate that adequate measures have been implemented to assure compliance with all applicable provisions of State and Federal law. In view of these circumstances, we have decided not to issue a civil penalty in this case.

You are required to respond to this letter and in preparing your response, you should follow the instructions specified in the enclosed Notice. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary in order to ensure compliance with NRC regulatory requirements.

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In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,

Original signed by  
Thomas E. Murley,  
Thomas E. Murley  
Regional Administrator

Enclosures:

1. Notice of Violation
2. NRC Inspection Report No. 50-220/85-08

cc w/encl:

T. E. Lempges, Vice President, Nuclear Generation  
T. Perkins, General Superintendent, Nuclear Generation  
D. Palmer, Manager of Quality Assurance  
T. Roman, Station Superintendent  
J. Aldrich, Supervisor, Operations  
W. Drews, Technical Superintendent  
Troy B. Conner, Jr. Esquire  
John W. Keib, Esquire  
Director, Power Division  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of New York

1902  
1903

bcc w/encl:

SECY

CA

J. M. Taylor, IE

J. Axelrad, IE

E. Flack, IE

A. Grella, IE

T. E. Murley, RI

J. Lieberman, ELD

V. Stello, DED/ROGR

Enforcement Coordinators

RI, RII, RIII, RIV, RV

F. Ingram, PA

J. Crooks, AEOD

B. Hayes, OI

S. Connelly, OIA

L. Cobb, IE

V. Miller, NMSS

D. Nussbaumer, OSP

IE/ES File

IE/EA File

EDO Rdg File

DCS

Regional Docket Room (w/concurrences)

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RI:DRSS  
H. Sepple/ms  
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Pasdiak  
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Bellamy  
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T. Martin  
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*Rev'd by phw  
on IE 7/2*

