

August 13, 1987

Docket No. 50-220  
License No. DPR-63  
EA 87-106

Niagara Mohawk Power Corporation  
ATTN: Mr. C. V. Mangan  
Senior Vice President  
301 Plainfield Road  
Syracuse, New York 13212

Gentlemen:

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
(NRC Inspection Report No. 50-220/87-03)

This refers to the NRC inspection conducted on May 26-27, 1987 at Nine Mile Point, Unit 1, Scriba, New York. The inspection report was sent to you on June 16, 1987. The inspection was conducted to review the circumstances associated with a violation involving the shipment of two packages of radioactively contaminated equipment to the Brunswick Steam Electric Station with external radiation levels on the surface of the packages in excess of the regulatory limit. This equipment was used in an operation involving the shearing of Control Rod Blades. During the inspection, an additional violation of NRC requirements was identified. On July 7, 1987, an enforcement conference was conducted with you and members of your staff to discuss the violations, their causes and your corrective actions.

The violations, which are described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty, involve: (1) the shipment of material with external surface radiation levels in excess of the regulatory limit; and (2) the failure to include on the shipping papers the existence and quantity of a particular radioactive isotope included on the equipment. The excessive radiation levels were apparently created when "hot particles" located on the equipment dispersed during shipment. The NRC is concerned that, prior to the shipment, an individual had become contaminated with a hot particle while removing a bolt, thereby indicating the existence of readily dispersable material, yet action was not taken to adequately decontaminate the equipment prior to shipment. This failure demonstrates the need for improved planning and control of licensed activities in the future to prevent recurrence of such violations.

To emphasize this need, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Regional Operations, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) for the violation described in Section I of the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1987) (Enforcement Policy), the violation has been

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categorized as a Severity Level III violation. Although the violation involved the transportation of packages with external radiation levels in excess of five times the regulatory limit and would normally be classified at Severity Level II in accordance with Section B.2 of Supplement V of the Enforcement Policy, the violation has been classified at Severity Level III based on the limited safety significance in that these excessive radiation levels were not readily accessible to an individual. These excessive radiation levels were located on the underside of the packages and the packages could not be moved without a forklift. Also, the radiation levels in the cab of the flatbed truck used to transport the packages were within the appropriate regulatory limit. The base civil penalty for a Severity Level III violation is \$2,500. The escalation and mitigation factors in the Enforcement Policy were considered and no adjustment has been deemed appropriate because (1) the excessive radiation levels on the package surface were not identified until the shipment was received at Brunswick, (2) your corrective actions were not considered unusually prompt and extensive, and (3) your enforcement history in this area is average. The violation set forth in Section II of the enclosed notice has been classified at Severity Level IV.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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  
WILLIAM T. RUSSELL  
William T. Russell  
Regional Administrator

Enclosure: Notice of Violation and  
Proposed Imposition of Civil Penalty

cc: See Next Page



cc w/encl:

- T. E. Lempges, Vice President, Nuclear Generation
- J. A. Perry, Vice President, Quality Assurance
- T. Perkins, General Superintendent, Nuclear Generation
- W. Hansen, 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

bcc w/encl:

- Region I Docket Room (with concurrences)
- Management Assistant, DRMA (w/o encl)
- DRP Section Chief
- Robert J. Bores, DRSS
- SECY
- J. Taylor, DEDO
- J. Lieberman, OE
- W. Russell, RI
- T. Murley, NRR
- D. Holody, RI
- S. Sohinki, OGC
- T. Martin, DEDRO
- Enforcement Directors RII-III
- Enforcement Officers RIV-RV
- F. Ingram, PA
- J. Bradburne, CA
- E. Jordan, AEOD
- B. Hayes, OI
- S. Connelly, OIA
- D. Nussbaumer, SLITP
- OE Files (3 copies + ltr hd)
- EDO Rdg File

DCS

R. Capra, NRR

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*Rec'd by  
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