

APPENDIX A  
NOTICE OF VIOLATION

Niagara Mohawk Power Corporation  
Nine Mile Point Unit 1

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

During an NRC inspection conducted on August 31 - September 4, 1992, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions", 10 CFR Part 2, Appendix C (1992), the violations are listed below:

- A. Title 10 Code of Federal Regulations (CFR) Part 61.56(b)(2) requires, in part, that liquid wastes or wastes containing liquid must be converted into a form that contains as little free standing and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume of the waste in a disposal container.

Additionally, Title 10 CFR Part 30.41(c) requires, in part, that before transferring byproduct material to a specific licensee of an Agreement State the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of material to be transferred. South Carolina (an Agreement State) License No. 097, issued to Chem-Nuclear Systems, Inc., Condition 32C requires, in part, that solidified waste contain noncorrosive liquid less than 1% by waste volume.

Contrary to above, on July 31, 1992, a liner containing spent bead resins was shipped to the Chem-Nuclear Systems, Inc. operated disposal site at Barnwell, South Carolina, which was determined, after arrival, to contain greater than 1% by volume free standing water.

This is a Severity Level IV violation.

- B. Title 10 CFR Part 71.5 requires, in part, that each licensee who delivers licensed material to a carrier for transport, comply with the applicable requirements stated in 49 CFR Parts 170-189. Title 49 CFR 172.202 requires, in part, that shipping papers for hazardous material shipments (including radioactive material) include the total quantity by weight or volume contained in the shipment, and the total number of packages covered by the shipment description.

Contrary to the above, on August 25, 1992, the licensee made a shipment of contaminated radioactive laundry to Interstate Nuclear Services, with shipping papers describing 16 packages having a total weight of 14400 pounds, but shipped only 15 packages, having a total weight of 13500 pounds.

This is a Severity Level IV violation.

Pursuant to the provisions of 10 CFR 2.201, Niagara Mohawk Power Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility



that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Dated at King of Prussia, Pennsylvania  
this 14<sup>th</sup> day of September, 1992

