

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 the inspection conducted on March 26, 1991, by a representative of the Washington Department of Health, of a shipment of licensed material sent from your facility on March 12, 1991, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions", 10 CFR Part 2, Appendix C (1990), the violation is listed below:

10 CFR 71.87(i)(2) states in part that "...in the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed radioactive contamination at any time during transport must not exceed ten times the levels prescribed in paragraph (i)(1) of this section. 10 CFR 71.87(i)(1) states in part that "...the amount of radioactivity measured on any single wiping material...must not exceed the limits given in Table V of this part...other methods of assessment ...may be used...the detection efficiency of the other methods must be taken into account and in no case may the non-fixed contamination on the external surfaces of the package exceed ten times the limits listed in Table V...". Table V of 10 CFR 71.87 lists the maximum permissible limit for beta-gamma emitting radionuclides as 22 disintegrations per minute per centimeter squared (22 dpm/sq cm).

Contrary to the above, on March 12, 1991 the licensee shipped an IF-300 rail cask containing approximately 45,000 Curies of licensed material which upon receipt at the Hanford Disposal Site in Richland, Washington, was determined to have non-fixed contamination levels in excess of 2000 dpm/sq cm. The efficiency of the Richland Disposal Sites contamination determination methodology is 49%, giving a maximum permissible non-fixed contamination level of approximately 1100 dpm/sq cm.

This is a Severity Level IV violation (Supplement V).

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

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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 4th day of April, 1991

APR 11 1991

