

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Tennessee Valley Authority
Browns Ferry Units 1, 2, and 3

Docket Nos. 50-259
50-260
50-296
License Nos. DPR-33
DPR-52
DPR-68
EA 82-130

On October 21, 1982, the licensee notified NRC Region II that one of its shipments of low specific activity radioactive waste to U.S. Ecology, Richland, Washington had been inspected on October 20, 1982 by Washington State inspectors and found to contain five defective 55-gallon drums.

On October 25, 1982, Region II conducted an inspection at the Browns Ferry facility to determine the facts relating to the incident. The inspection revealed that there had been two shipments containing low specific activity waste in which Washington State inspectors had found defective packages. The first shipment (TVA Shipment No. 1886) was delivered to the disposal site on September 21, 1982. Eight 55-gallon drums in that shipment arrived with cracked drum closing rings. The State of Washington required TVA to describe the steps it planned to take to prevent recurrence of the violation. The second shipment to U.S. Ecology (TVA Shipment No. 1914) arrived on October 20, 1982. Five drums in this shipment were found to be defective. Four had inadequately sealed drum lids and one had two holes that may have been produced by fork-lift blades. The inspector's findings were discussed on October 25, 1982, with Browns Ferry facility management.

To emphasize the need for the Tennessee Valley Authority to ensure that procedures affecting packaging and transport of radioactive materials are meticulously followed at the Browns Ferry facility, the Nuclear Regulatory Commission proposes to impose a civil penalty in the cumulative amount of Three Thousand One Hundred and Twenty-five Dollars for this violation. In accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C, 47 FR 9987, March 9, 1982) and pursuant to Section 235 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violation and associated civil penalty is set forth below:

10 CFR 71.54 requires a licensee to ascertain, prior to each use of a package for shipment of licensed material, that the packaging has not been significantly damaged and that the closure of the package and any sealing gaskets are free from defects.

8301040068 821217
PDR ADOCK 05000259
G PDR



7/12/2005



Notice of Violation

- 2 -

Contrary to the above, in two instances, the licensee did not meet these requirements. On September 16, 1982, the licensee failed to ascertain that the closure devices of eight 55-gallon drums were free from defects. These drums contained low specific activity waste (TVA Shipment No. 1886). On October 13, 1982, the licensee failed to ascertain that the sealing gaskets on four 55-gallon drums were free from defects and that another 55-gallon drum had not been significantly damaged (apparently it had been pierced by fork-lift blades). The October 13 shipment was also low specific activity waste (TVA Shipment No. 1914).

This is a Severity Level III violation (Supplement V).
(Civil Penalty - \$3,125)

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555 and a copy to the Regional Administrator, USNRC, Region II, within thirty days of the date of this Notice, a written statement or explanation in reply, including: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may be incorporated by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. In requesting mitigation of the proposed penalty, the five factors contained in Section IV(B) of 10 CFR Part 2, Appendix C should be addressed. The Tennessee Valley Authority's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty amount, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

James P. O'Reilly
Regional Administrator

Dated at Atlanta, Georgia
this 17th day of December 1982

