

# CATEGORY 1

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AUTH. NAME      AUTHOR AFFILIATION  
MUELLER, J.H.      Niagara Mohawk Power Corp.  
RECIP. NAME      RECIPIENT AFFILIATION  
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SUBJECT: Responds to NRC ltr re violations noted in insp repts  
50-220/98-04 & 50-410-98-04. Corrective actions: truck was  
decontaminated by Chem-Nuclear personnel & followup surveys  
performed on other trailers & equipment.

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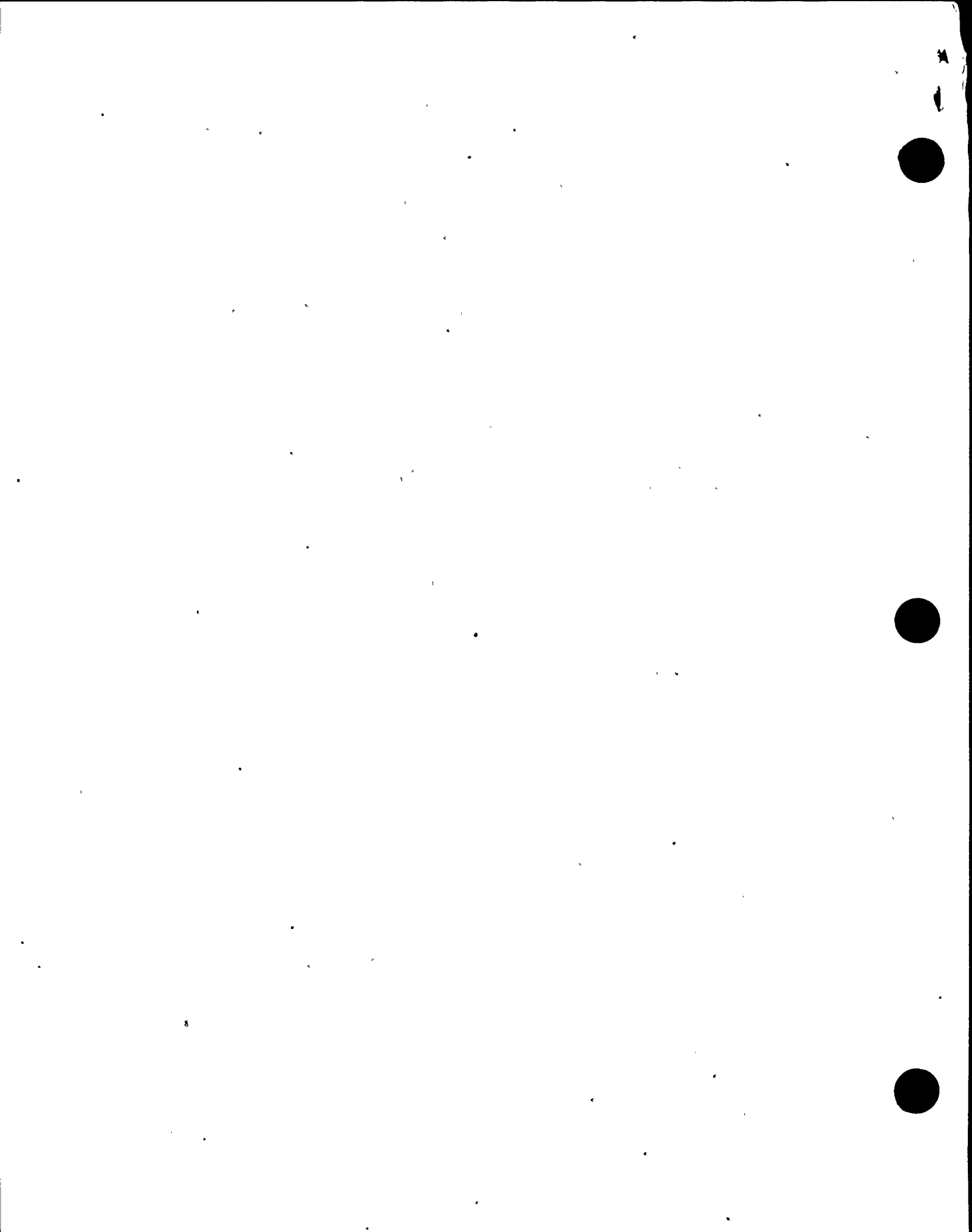
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# Niagara Mohawk

John H. Mueller

Senior Vice President and  
Chief Nuclear Officer

Office: (315) 349-7907

Fax: (315) 349-1321

e-mail: muellerj@nimo.com

April 28, 1998  
NMPIL 1308

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
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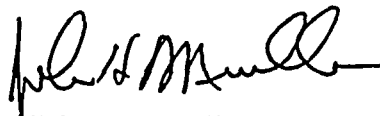
RE: Nine Mile Point Unit 1  
Docket No. 50-220  
DPR-63

**Subject:** *Reply to Notice of Violation as Contained in NRC Inspection Report  
50-220/98-04 and 50-410/98-04*

Gentlemen:

Niagara Mohawk Power Corporation's reply to the subject Notice of Violation is enclosed in the Attachment to this letter. We do not dispute this violation.

Very truly yours,

  
John H. Mueller  
Chief Nuclear Officer

JHM/GJG/kap  
Attachment

xc: Mr. H. J. Miller, Regional Administrator, Region I  
Mr. S. S. Bajwa, Director, Project Directorate I-1, NRR  
Mr. B. S. Norris, Senior Resident Inspector  
Mr. D. S. Hood, Senior Project Manager, NRR  
Records Management

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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of )

Niagara Mohawk Power Corporation )

Nine Mile Point Nuclear Station Unit No. 1 )

Docket No. 50-220

AFFIDAVIT

John H. Mueller, being duly sworn, states that he is Chief Nuclear Officer of Niagara Mohawk Power Corporation; that he is authorized on the part of said Corporation to sign and file with the Nuclear Regulatory Commission the documents attached hereto; and that all such documents are true and correct to the best of his knowledge, information, and belief.

NIAGARA MOHAWK POWER CORPORATION

By John H. Mueller  
John H. Mueller  
Chief Nuclear Officer

Subscribed and sworn to before me  
this 28 day of April 1998.

Beverly W. Ripka  
NOTARY PUBLIC

BEVERLY W. RIPKA  
Notary Public State of New York  
Qual. in Oswego Co. No. 4644879  
My Commission Exp. Mar. 30, 2000  
2/28/00



**ATTACHMENT**

**NIAGARA MOHAWK POWER CORPORATION  
NINE MILE POINT UNIT 1  
DOCKET NO. 50-220  
DPR-63**

**"REPLY TO NOTICE OF VIOLATION," AS CONTAINED IN  
INSPECTION REPORT 50-220/98-04 AND 50-410/98-04**

**A. VIOLATION 50-220/98-04**

Title 10, Code of Federal Regulations (CFR), Part 71.5 requires that each licensee who delivers radioactive material for transport by a carrier comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49CFR170 through 189, as appropriate. 49CFR173.443 requires, in part, that a vehicle used to transport radioactive material as an exclusive use shipment may not be returned to service until the radiation dose rates at each accessible surface is 0.005 millisieverts per hour (0.5 millirem per hour) or less.

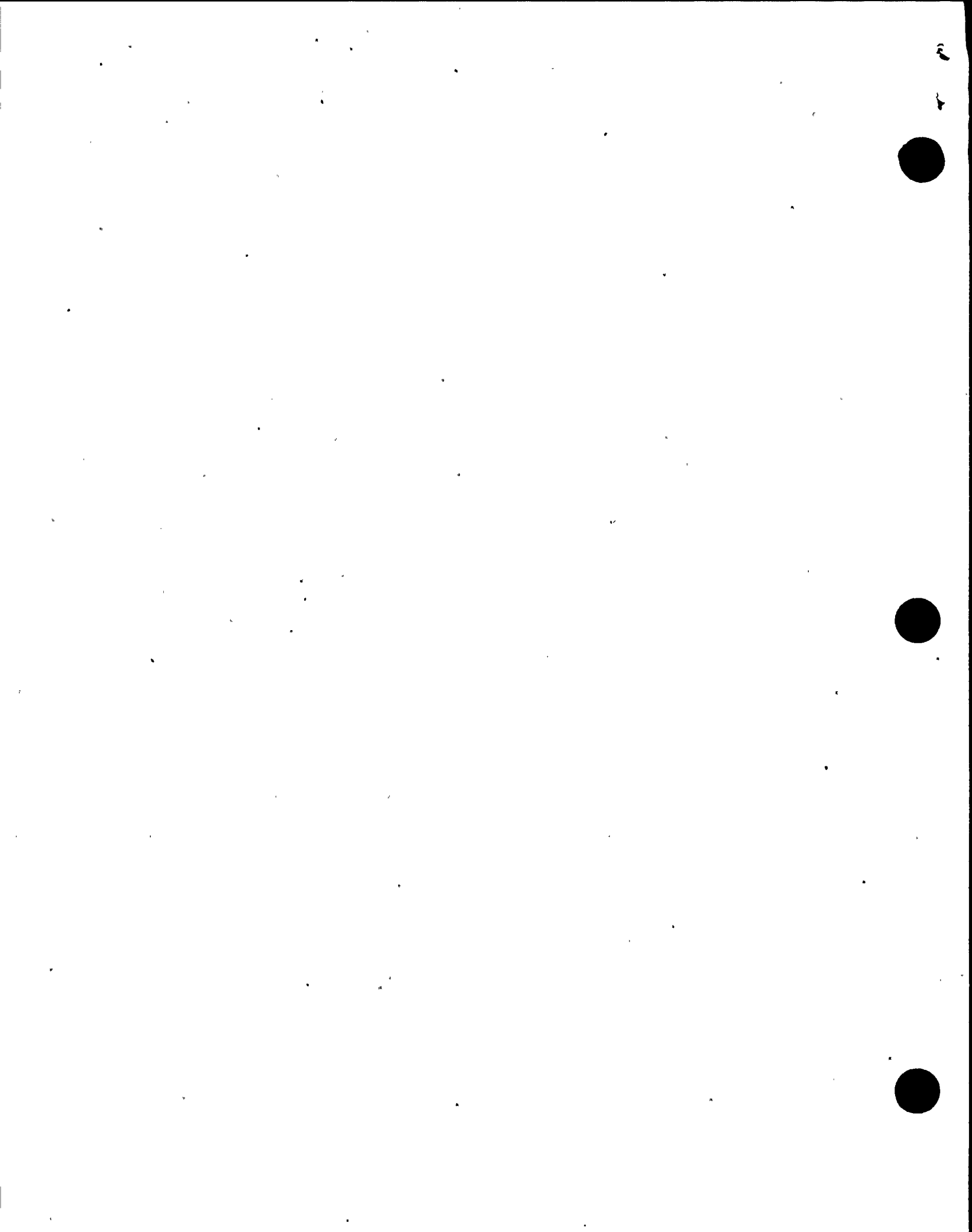
Contrary to the above, on February 6, 1998, the licensee returned to service a flatbed type trailer which had been used to transport radioactive materials as exclusive use, which upon receipt at another facility was found to have radiation levels on two accessible areas of the trailer of 0.300 millisieverts per hour (30 millirem per hour) and 0.014 millisieverts per hour (1.4 millirem per hour), respectively.

**I. THE REASON FOR THE VIOLATION**

Niagara Mohawk Power Corporation (NMPC) has determined that the violation of 49CFR173.443 was caused by an inadequate radiological survey performed prior to release of the subject vehicle from the Nine Mile Point site. The reason the survey was inadequate was because NMPC had not established proper expectations regarding the appropriate thoroughness of this type of radiological survey.

A flatbed trailer was used to transport equipment to Nine Mile Point Unit 1 (NMP1) for use in processing material from the Spent Fuel Pool. Upon arrival at NMP1, the truck was placed in the Reactor Building truck bay where the boxed equipment was removed and transported to the refueling floor. The boxes were surveyed as they were removed from the truck. None of the equipment boxes had indication of contamination levels higher than 100 dpm/100 cm<sup>2</sup>.

After the equipment was removed, the flatbed trailer was surveyed for fixed and smearable contamination. The survey consisted of 15 smears and a frisk of 15 to 20 minutes duration. The frisk survey covered approximately 15% of the top portion of the flatbed. This survey did





not reveal any radioactivity in excess of Department of Transportation (DOT) limits. This survey methodology was as prescribed in NMPC procedures. Following the survey, NMPC released the trailer. It was received in Post Township, Pennsylvania where the trailer was resurveyed. B & W Technicians, using a similar survey technique, but with a more sensitive instrument, identified two local fixed contaminated spots that exceeded DOT limits.

NMPC was immediately notified. A Radiation Protection Supervisor and the technician, who originally surveyed the trailer, were dispatched to Post Township, Pennsylvania. The technician resurveyed the trailer using NMPC equipment and was able to detect the contaminated spots.

A contributor to this event was a mindset on the part of the technician that the containers and surrounding work area were not contaminated. This influenced the technician who expected to be surveying an uncontaminated flatbed trailer.

## **II. CORRECTIVE ACTIONS TAKEN AND RESULTS ACHIEVED**

The following actions have been taken:

1. The truck was decontaminated by Chem-Nuclear personnel on March 12, 1998.
2. Followup surveys were performed on other trailers and equipment associated with the Spent Fuel Pool Cleanup at NMP1. No additional contaminants were found.
3. The Radiation Protection Managers developed and promulgated to the Radiation Protection staff specific expectations regarding surveys and free release. These expectations specified a large area survey methodology to assure the extent of survey is appropriate to detect contaminants, included the following considerations: (1) component history/prior location and use, (2) potential survey technique differences between prior and subsequent locations, and, (3) radiological/environmental factors which have the potential to impact survey results.
4. A telephone poll was conducted with other plants and the Institute of Nuclear Power Operations (INPO) to discuss vehicle releasing techniques. The results indicate that the survey methodology previously used at NMP1 is generally consistent with others in the industry, therefore NMPC has generically apprised the industry of this issue via the Nuclear Network.
5. Radiation Protection specialists from several plants with highly regarded radiological expertise conducted a thorough assessment of the NMPC shipping and free release program, including associated equipment, procedures and practices. The recommendations developed from this assessment that are applicable to this violation are addressed in Section III of this response.



### **III. ACTIONS THAT WILL BE TAKEN TO PREVENT RECURRENCE**

The following preventive actions have or will be taken:

1. Specific work order instructions which include steps to implement the considerations listed in corrective action 3 above are now used for the release of large items from the Radiologically Controlled Area. In addition, the work plans incorporate controls to escalate concerns to management for resolution when conservative threshold limits are approached. This will ensure a rigorous thought and survey process for the release surveys of large items on an individual basis. The experience gained through the use of these instructions will be incorporated into applicable Radiation Protection procedures by June 15, 1998.
2. Survey equipment with a larger probe surface area has been tested at Nine Mile Point. As a result, equipment has been selected and procurement orders placed for meters, probes and calibration sources to facilitate future surveys. This instrumentation is expected to be in service at Nine Mile Point by June 30, 1998.

### **IV. DATE OF FULL COMPLIANCE**

Full compliance was achieved on March 12, 1998, when the flatbed truck was decontaminated.

