

TENNESSEE VALLEY AUTHORITY

CHATTANOOGA, TENNESSEE 37401
400 Chestnut Street Tower II

EA-80-30
recd 7/16/80

July 11, 1980

\$5000 recd by wire
in Controller's Office
7/11/80

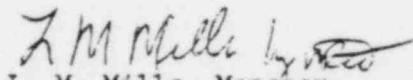
Mr. Victor Stello, Jr., Director
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Stello:

Enclosed is our response to your letter to H. G. Parris dated June 16, 1980, regarding an item of noncompliance concerning a radioactive waste shipment from our Browns Ferry Nuclear Plant unit 1. The enclosure consists of our response to the Appendix A - Notice of Violation and the Appendix B - Notice of Proposed Imposition of a Civil Penalty. The fees in response to the proposed civil penalty of \$5,000 are being wired to the NRC Attention: Office of Inspection and Enforcement.

Very truly yours,

TENNESSEE VALLEY AUTHORITY


L. M. Mills, Manager
Nuclear Regulation and Safety

Enclosure

8007310355

ENCLOSURE

RESPONSE TO LETTER FROM V. J. STELLO, JR., TO H. G. PARRIS
DATED JUNE 16, 1980
DOCKET NO. 50-259
LICENSE NO. DPR-33
EA-80-30
BROWNS FERRY NUCLEAR PLANT

RESPONSE TO APPENDIX A - NOTICE OF VIOLATION

Based on the NRC inspection conducted on April 28 and May 1, 1980, it appears that one of your activities was not conducted in full compliance with NRC requirements as indicated below. This item has been categorized as described in correspondence to you dated December 3, 1979.

10 CFR 71.5 prohibits delivery of licensed material to a carrier for transport unless the licensee complies with applicable regulations of the Department of Transportation in 49 CFR Part 170-189. 49 CFR 173.393(j)(2) states packages with surface dose rates in excess of 200 millirem per hour may be shipped in a vehicle consigned as exclusive use, provided radiation levels do not exceed 200 millirem per hour at any point on the external surface of the vehicle.

Contrary to the above, the packages of licensed material were shipped from your facility in a transport vehicle (trailer #440264) with radiation levels in excess of the regulatory limit as evidenced by a measurement of 600 mrem/hr on the surface of the transport vehicle upon its arrival at the Barnwell, South Carolina waste disposal site on April 25, 1980. This measurement was reconfirmed in a resurvey on April 28, 1980.

This is a Severity Level I item of noncompliance - (Civil Penalty - \$5,000)

This Notice of Violation is sent pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Tennessee Valley Authority is hereby required to submit to this office within twenty-five days of the date of this Notice, a written statement or explanation in reply, which includes: (1) admission or denial of the alleged item of noncompliance; (2) the reasons for the item of noncompliance, if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further items of noncompliance; and (5) the date when full compliance will be achieved.

RESPONSE

Admission or Denial of the Alleged Item of Noncompliance

TVA acknowledges the alleged item of noncompliance. TVA will not contest the findings of the subject Notice of Violation.

There were two major factors which contributed to this incident. The first is the placement of the higher level drum adjacent to the inner side of the transport vehicle. The second factor is that the health physics technicians failed to detect in their final radiation survey of the transport vehicle the relatively small "hot spot" caused by the higher level drum. An investigation of the incident indicated two contributing factors: (1) the final survey of the transport vehicle was performed by two health physics technician trainees, and (2) the procedure and shipping papers used for radioactive waste shipments appeared to need improvement.

All shipments were suspended and a complete investigation was conducted. Radioactive waste shipping procedure deficiencies were identified and permanent corrective action was implemented to prevent recurrence.

Specific data blanks for all limiting dose rate criteria have been added to the shipment forms which are included in the plant procedures governing radioactive shipments. All drums with surface radiation levels greater than 200 millirem per hour will be conspicuously marked. Loading procedures have been modified to state that such drums cannot be placed in the outboard areas of the transport vehicle. Maps of each drum loading are used to indicate where the drums are placed and note the location of higher level drums. A qualified health physics technician is now required to be present for all loading of radioactive waste drums to ensure that the drums are placed in the proper location.

This incident has been thoroughly reviewed by and discussed with all health physics employees at Browns Ferry Nuclear Plant. Each person has been made aware of the serious nature of the incident and that errors of this nature cannot be tolerated. The importance of thorough radiation surveys has been emphasized.

A directive has been issued to all health physics shift supervisors to ensure that no individual on their shift is assigned to any task for which is is not fully qualified. A training session has been conducted on all shifts concerning our revised radioactive waste shipment procedures.

The health physics shift supervisor responsible for assigning the trainees to survey the shipment has been verbally reprimanded and will receive a written reprimand, a copy of which will be placed in his personnel file.

All necessary corrective actions have been taken. Full compliance was achieved on May 5, 1980.

APPENDIX B

NOTICE OF PROPOSED IMPOSITION OF A CIVIL PENALTY

This office proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), and to 10 CFR 2.205 in the cumulative amount of Five Thousand Dollars for the specific item of noncompliance set forth in Appendix A to the cover letter. In proposing to impose a civil penalty pursuant to this section of the Act and in fixing the proposed amount of the penalty, the factors identified in the Statements of Consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (26 FR 16894) August 26, 1971 and the "Criteria for Determining Enforcement Actions," which was sent to NRC licensees on December 31, 1974, and as supplemented on December 3, 1979, have been taken into account.

Tennessee Valley Authority may, within twenty-five days of the date of this notice pay the civil penalty in the cumulative amount of Five Thousand Dollars or may protest the imposition of the civil penalty in whole or in part by a written answer. Should Tennessee Valley Authority fail to answer within the time specified, this office will issue an order imposing the civil penalty in the amount proposed above. Should Tennessee Valley Authority elect to file an answer protesting the civil penalty, such answer may (a) deny the item of noncompliance listed in the Notice of Violation in whole or in part; (b) demonstrate extenuating circumstances; (c) show error in the Notice of Violation; or (d) show other reasons why the penalty should not be imposed. 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 incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Tennessee Valley Authority's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular, failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the matter may be referred to the Attorney General and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Atomic Energy Act of 1954, as amended, (42 USC 2282).

RESPONSE

The fees in response to the proposed civil penalty of \$5,000 are being wired to the NRC Attention: Office of Inspection and Enforcement.