



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
631 PARK AVENUE
KING OF PRUSSIA, PENNSYLVANIA 19406

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Docket No. 50-333

OCT 28 1980

Power Authority of the State of New York
James A. FitzPatrick Nuclear Power Plant
ATTN: Mr. R. J. Pasternak
Resident Manager
P. O. Box 41
Lycoming, New York 13093

Gentlemen:

Subject: Inspection 50-333/80-14

This refers to your letter dated September 18, 1980, in response to our letter dated September 3, 1980.

Thank you for informing us of the corrective and preventive actions documented in your letter. These actions will be examined during a subsequent inspection of your licensed program.

Your cooperation with us is appreciated.

Sincerely,

George H. Smith, Chief
Fuel Facility and Materials
Safety Branch

- cc: George T. Berry, President and Chief Operating Officer
- J. P. Bayne, Senior Vice President-Nuclear Generation
- A. Klausmann, Director, Quality Assurance
- M. C. Cosgrove, Site Quality Engineer
- J. F. Davis, Chairman, Safety Review Committee
- C. M. Pratt, Assistant General Counsel
- G. M. Wilverding, Manager-Nuclear Licensing

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POWER AUTHORITY OF THE STATE OF NEW YORK

JAMES A. FITZPATRICK NUCLEAR POWER PLANT



RAYMOND J. PASTERNAK
Resident Manager

P.O. BOX 41
Lycoming, New York 13093

315-342-3840

September 18, 1980
JAFP-80-738

SERIAL:

Mr. Boyce H. Grier
United States Nuclear Regulatory Commission
Region I
631 Park Ave.
King of Prussia, PA 19406

Subject: INSPECTION NO. 50-333/80-14 (15000039/80-14)

Dear Mr. Grier:

With reference to the inspection conducted by Mr. T. C. MacArthur of your Region II office on June 19, 1980 at the Chem-Nuclear Systems, Inc., and in accordance with the provisions of Section 2.201 of Part II of Title 10 of the Code of Federal Regulations, we are submitting our response to Appendix A Notice of Violation transmitted by your letter dated September 3, 1980 as received by the undersigned on September 11, 1980.

APPENDIX A

NOTICE OF VIOLATION

Based on the results of an NRC inspection conducted on June 19, 1980 of the shipment of radioactive waste which was shipped from your facility on or about June 17, 1980, it appears that one of your activities was not conducted in full compliance with federal regulations and the conditions of your NRC facility license DPR-59 as indicated below.

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 Parts 170-189.

49 CFR 173.392(c)(8) requires that the outside of each package of low specific activity radioactive materials transported in a sole use vehicle must be stencilled or otherwise marked "Radioactive LSA".

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Contrary to the above, on or about June 17, 1980, the licensee delivered a package of low specific activity (LSA) radioactive licensed material to a carrier for transport to the waste burial site on a tractor-trailer assigned for sole use and upon arrival at the burial site on June 19, 1980, the outside of the package (a Model 14-195-H, Number 10 shipping cask) was not stencilled or otherwise marked "Radioactive-LSA" to identify the contents.

This is a Severity Level IV noncompliance.

While we cannot dispute the condition of the vehicle upon arrival, we can provide evidence that the vehicle was properly placarded and labeled immediately prior to leaving the FitzPatrick plant. We do recognize our responsibilities as the "shipper", however, it should be pointed out that 49 CFR 176.33 and 177.815 require the "carrier" to replace label(s) that become lost or detached. In fact, we provided additional placards and labels to the carrier for the purpose of replacement enroute on this occasion.

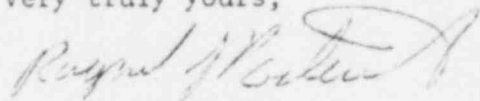
This particular shipment record was reviewed and a copy is available for your review at the plant. With regard to these records, the following is noted:

1. The Chem-Nuclear Systems Inc. engineer responsible for preparing the concentrator bottoms (solidifying) for burial verified, by his signature, that the shipment, among other things, was properly marked and labeled. This is in referenc to the Barnwell Waste Management Facility shipment record.
2. The technician responsible for preparing the shipment records, verified by his signature that the shipment, among other things, was properly marked and labeled. This is in reference to the Power Authority of the State of New York (PASNY) shipment record.
3. The Home Transport Company driver verified by his initials that he was tendered and accepted, two each, additional "RADIOACTIVE" placards and "RADIOACTIVE-LSA" labels. This was done to assure that the carrier would have an adequate supply of replacement placards and labels to enable him to conform with the requirements of 49 CFR 177.815. This is in reference to the PASNY shipment record. The driver, also, verified that just prior to leaving the site the vehicle and shipping cask were properly placarded and labeled. This is in reference to the Driver Checklist/Security Checklist form.
4. The driver was provided a one page instruction sheet, which among other things, instructed him that each outside package must be stencilled or otherwise marked "Radioactive - LSA". Refer to Chem-Nuclear's "Notice to Carrier", "Driver Instructions for Exclusive Use Vehicles" which is included with each set of shipment papers.
5. The adhesive quality of the Radioactive - LSA labels used at James A. FitzPatrick Nuclear Power Plant was recently tested by placing and removing one from an LSA cask. It was determined that these labels are very difficult to manually remove and it would be highly unlikely that inclement weather conditions enroute could result in the removal of both labels that were and are attached to each LSA package shipped from this plant.

The system of checks just described provides reasonable assurance that the cask referred to in this inspection was properly labeled prior to leaving this site. To ensure that future shipments display the proper placards and labels enroute and at it's destination, Plant Standing Order No. 18 Exhibit 9.1 will be revised. This exhibit pertains to a statement prepared by PASNY instructing the carrier driver to follow specified routes, to call the plant SS if delayed and to not tamper with the contents of the shipment. This statement shall be read and signed by the driver. We will add to this statement instructions to the effect that the vehicle be inspected after each significant stop (rest, fuel, food, etc) to ensure that it remains properly placarded, the package(s) properly labeled (if visible) and the cargo area properly sealed (if required).

This added statement will be placed in the procedure, the procedure revision approved and issued no later than October 31, 1980.

Very truly yours,



Raymond J. Pasternak
Resident Manager

RJP:EAM:jlk

CC: G. H. Smith - NRC
G. T. Berry - NYO
J. P. Bayne - NYO
A. Klausmann - NYO
J. F. Davis - NYO
C. M. Pratt - NYO
G. M. Wilverding - NYO
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