

APPENDIX A

NOTICE OF VIOLATION

Metropolitan Edison Company

Docket No. 50-320

Based on the results of an NRC inspection conducted on March 17 through April 11, 1980, it appears that certain of your activities were not conducted in full compliance with NRC regulations as indicated below.

10 CFR 71.5(a) requires that NRC licensees comply with the applicable packaging and transportation requirements of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

49 CFR 173.393(a)(1) requires that materials be packaged in accordance with DOT Specification 7A, Type A packaging, and that each shipper of a Specification 7A package maintain on file a complete certification and supporting safety analysis demonstrating compliance with the Specification.

49 CFR 173.393(g) states in part, "Liquid radioactive material in Type A quantities must be packaged in or within a leak-resistant and corrosion-resistant inner containment vessel."

Contrary to the above, on February 6 and on March 6, 1980, the licensee delivered liquid radioactive material in Type A quantities to a carrier for transport in containers for which the supporting safety analysis demonstrating compliance with Specification 7A did not authorize packaging of liquid radioactive material. The safety analysis only authorized the packaging of solid radioactive material. Further, the inner containment vessels of the packages leaked during transport demonstrating that the inner containers were not leak-resistant.

This is a Severity Level II Violation (Civil Penalty \$4,000).

## APPENDIX B

### NOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

This office proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954 as amended, (42 USC 2282), and to 10 CFR 2.205 in the amount of Four Thousand Dollars (\$4,000) for the specific item of noncompliance set forth in Appendix A to the cover letter. In proposing to impose civil penalties pursuant to this section of the Act and in fixing the proposed amount of the penalties, the factors identified in the Statements of Consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (36 FR 16894) August 26, 1971; the "Criteria for Determining Enforcement Actions," which was sent to NRC licensees on December 31, 1974; and the "Criteria for Enforcement Action for Failure to Comply with 10 CFR 71," which was sent to NRC licensees on December 3, 1979, have been taken into account.

Metropolitan Edison Company may, within twenty (20) days of receipt of this notice pay the civil penalties in the amount of Four Thousand Dollars (\$4,000) or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Metropolitan Edison Company fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Metropolitan Edison Company elect to file an answer protesting the civil penalties, such answer may (a) deny the items 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 penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties. 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.

Metropolitan Edison Company'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).