

APPENDIX A

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station, Unit 1

Docket No. 50-220
License No. DPR-63

As a result of the inspection conducted on November 7 - 10, 1983, and in accordance with the NRC Enforcement Policy (10 CFR 2, Appendix C), the following violations were identified:

A. 10 CFR 71.12(c) requires that a person using a package to transport licensed material must have a copy of the Certificate of Compliance, and the person must also comply with the conditions of the Certificate.

1. Certificate of Compliance No. 9111, Revision No. 8, requires that the decay heat load not exceed 400 watts.

Contrary to the above, the licensee did not determine the decay heat load of a package of 14 curies of licensed material shipped on February 11, 1983, having the Certificate of Compliance No. 9111.

2. Certificate of Compliance No. 9094, Revision No. 6, requires that the contents of a package must meet the requirements for low specific activity material.

Contrary to the above, the licensee did not determine if a package shipped on April 22, 1983, having the Certificate of Compliance No. 9094, met the requirements for low specific activity material.

This is a Severity Level IV violation (Supplement V).

B. 10 CFR 71.101(b) requires each licensee to establish a quality assurance program for packages. 10 CFR 71.101(f) states that a Commission approved quality assurance program that satisfies the applicable criteria of Appendix B of Part 50 of this chapter, and which is established, maintained, and executed with regard to transport packages will be accepted as satisfying the requirements of paragraph (b) of this section.

Criteria II, Appendix B of Part 50 of the licensee's previously approved program requires that the licensee identify the structures, systems, and components to be covered by the quality assurance program.

Contrary to the above, as of November 9, 1983, the licensee has not identified transport packages as a structure, system, or component to be covered by the quality assurance program.

This is a Severity Level V violation (Supplement V).

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- C. 10 CFR 71.105(d) states, "The licensee shall provide for indoctrination and training of personnel performing activities affecting quality as necessary to assure that suitable proficiency is achieved and maintained."

Contrary to the above, one licensee employee performing activities affecting quality has not been trained in DOT and NRC regulatory requirements involved in the transfer, packaging, and transport of radioactive material to assure that suitable proficiency was achieved and maintained.

This is a Severity Level IV violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, the Niagara Mohawk Power Company is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.