

Appendix

NOTICE OF VIOLATION

Wisconsin Electric Power Company

Docket No. 50-266

Docket No. 50-301

As a result of the inspection conducted on August 8 through September 22, 1983, and in accordance with the NRC Enforcement Policy, 47 FR 9987 (March 9, 1982), the following violation was identified:

10 CFR 71.5 prohibits transport of any licensed material outside the confines of a plant or other place of use or 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 173.475(i) states that before each shipment of any radioactive materials package, the shipper shall ensure by examination or appropriate tests, that external radiation and contamination levels are within the allowable limits specified in this subchapter. Allowable contamination limits are specified in 49 CFR 173.443.

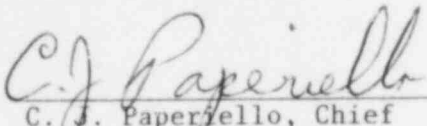
Contrary to the above, on August 25, 1983, the licensee shipped radioactive materials (an empty spent fuel cask) without conducting appropriate tests to determine the removable contamination levels. Because of previous cask weeping problems, tests conducted 19 hours before shipment were not appropriate to assess the removable contamination levels at the time of shipment.

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

The inspection showed that action had been taken to correct the identified item of noncompliance and to prevent recurrence. Consequently, no reply to this item of noncompliance is required and we have no further questions regarding this matter.

Dated

10/13/83

  
C. J. Paparizello, Chief  
Emergency Preparedness and  
Radiological Safety Branch