

JMB

JUN 13 1984

Docket No. 50-247

Consolidated Edison Company of
New York, Inc.
ATTN: Mr. John D. O'Toole
Vice President - Nuclear
Engineering and Quality Assurance
4 Irving Place
New York, New York 10003

Gentlemen:

Subject: Inspection No. 50-247/83-19

This refers to your letter dated May 8, 1984, in response to our letter dated December 15, 1983. This correspondence concerns the Notice of Violation contained in our September 9, 1983 letter. Your May 8, 1984 letter states

"... the circumstances of the July 26 shipment conclusively establish the effectiveness of the packaging could not possibly have been reduced, notwithstanding the two puncture holes which form the basis for the claimed violation."

Contrary to your view, the NRC considers puncture holes in a package as reducing the effectiveness of that package. This constitutes a breach of package integrity, and it is significant.

In your letter on Page 2, third paragraph, you refer to "subsection (c)(6) of 49 CFR 173.24." The correct reference is 49 CFR 173.24 (a)(2) which states,

"Each package used for shipping hazardous materials under this subchapter shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation, the effectiveness of the packaging will not be substantially reduced."

On July 28, 1983, Package No. 19920 was found to have two puncture holes on the bottom of the package upon inspection at the burial site in Barnwell, South Carolina by a representative of the State of South Carolina. Apparently the punctures were created by repeated contact with the package contents. This represents a substantial reduction in the effectiveness of the package.

Our position remains unchanged from that described in our December 15, 1983 letter. As noted in our December 15, 1983 letter, we have reviewed the corrective actions described in your October 9, 1983 letter. This area will be reviewed

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in a future inspection of your licensed program. No reply to this letter is required.

Sincerely,

Orig. signed by
H. CROCKER

JTM Thomas T. Martin, Director,
Division of Engineering and
Technical Programs

cc:

C. W. Jackson, Vice President, Nuclear Power
M. Blatt, Director, Regulatory Affairs
W. D. Hamlin, Assistant to Resident Manager (PASNY)
F. Matra, Resident Construction Manager
R. L. Spring, Nuclear Licensing Engineer
Director, Power Division
Thomas J. Farrelly, Esquire
K. Burke, General Manager, Administrative Services
Brent L. Brandenburg, Assistant General Counsel
Public Document Room (PDR)
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Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
State of New York

bcc:

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