

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Northern States Power Company
Monticello Nuclear Generating Plant

Docket No. 50-263
License No. DPR-22
EA 83-125

As a result of the inspection conducted at the Monticello Nuclear Generating Plant on October 11-12, 1983, it appears that violations of NRC requirements occurred. The violations relate to the failure to properly package licensed materials for shipment and to assure that radiation levels from packages were within regulatory limits. To emphasize the importance of these matters, the Nuclear Regulatory Commission proposes to impose civil penalties in the cumulative amount of \$2,500. In accordance with the General Policy and Procedure for NRC Enforcement Actions (10 CFR Part 2, Appendix C), and pursuant to section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C 2282, PL 96-295, and 10 CFR 2.205, the particular violations and associated civil penalties are set forth below:

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.

- A. 49 CFR 173.425(b)(1) requires that shipments of low specific activity (LSA) materials transported in exclusive-use vehicles must be packaged in strong, tight packages so that there will be no leakage of radioactive material under conditions normally incident to transportation.

Contrary to the above, a metal box containing an LSA material, specifically a radioactively contaminated filler head, shipped from Monticello Nuclear Generating Plant in an exclusive-use shipment, was not in a strong tight package upon arrival at Chem-Nuclear's Mobile Operations Division, Barnwell, South Carolina on September 19, 1983, as evidenced by a hole in the bottom of the box.

- B. 49 CFR 173.441(b)(1) limits the radiation level at any accessible external surface of a package of radioactive material offered for transportation as an exclusive-use shipment to 1000 mR/hr at all times during transportation.

Contrary to the above, a radiation level of 1500 mR/hr was measured by a State of South Carolina inspector on the bottom external surface of a metal box, containing a radioactively contaminated filler head, upon arrival at Chem-Nuclear's Mobile Operations Division, Barnwell, South Carolina on September 19, 1983, in an exclusive-use shipment from Monticello Nuclear Generating Plant.

Collectively, the above two violations have been evaluated as a Severity Level III problem (Supplement V).

(Cumulative Civil Penalties - \$2,500 - assessed equally between the two violations).

Pursuant to the provisions of 10 CFR 2.201, Northern States Power Company is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555, with a copy to the Regional Administrator, USNRC, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, within 30 days of the date of this Notice, a written statement of explanation in reply, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps that will be taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

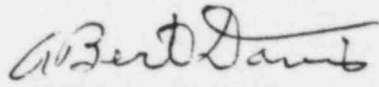
Within the same time as provided for the response required above under 10 CFR 2.201, Northern States Power Company may pay the civil penalties in the cumulative amount of Two Thousand Five Hundred Dollars or may protest imposition of the civil penalties in whole or in part by a written answer. Should Northern States Power Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties in the amount proposed above. Should Northern States Power Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) 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. In requesting mitigation of the proposed penalties, the five factors contained in Section IV.B of 10 CFR Part 2, Appendix C should be addressed. 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., citing page and paragraph numbers) to avoid repetition. The attention of Northern States Power Company is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter

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may be referred to the Attorney General, and the penalties, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION


for James G. Keppler
Regional Administrator

Dated at Glen Ellyn, Illinois
this 15 day of November 1983