

## NOTICE OF VIOLATION

Philadelphia Electric Company  
Limerick Unit 1

Docket No. 50-352  
License No. NPF-39  
EA 89-145

During an NRC inspection conducted on June 29, 1989 to review the circumstances associated with the shipment of radioactive waste, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 55 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation is set forth below.

10 CFR 71.5(a) states, in part, that each licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189. 49 CFR 173.441(b)(2) states, in part, that a package which exceeds the radiation level limits specified in paragraph (a) of that section shall be transported by exclusive use shipment only and the radiation levels for such shipment must not exceed 200 millirem per hour at any point on the outer surface of the vehicle, including the top and underside of the vehicle.

Contrary to the above, on June 20, 1989, the licensee shipped a SeaVan containing 736.64 millicuries of licensed material (in the form of bagged trash and contamination on a pump impeller blade), by exclusive use shipment on a trailer to the Quadrex Recycle Center in Oak Ridge, Tennessee. Upon receipt by the Quadrex Recycle Center on June 21, 1989, a survey determined the maximum surface reading on the underside of the trailer was 250 millirem per hour.

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

Pursuant to the provisions of 10 CFR 2.201, Philadelphia Electric Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include (1) the reasons for the violation if admitted, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may

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be proper should not be taken. Consideration may be given to extending the response time for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By  
WILLIAM T. RUSSELL  
William T. Russell  
Regional Administrator

Dated at King of Prussia, Pennsylvania  
this 4<sup>TH</sup> day of August 1989