

Finding:

As a result of the inspection conducted on December 9, 1980, and in accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), the following violation was identified.

10 CFR 71.5(b) requires that "the licensee comply with the applicable requirements of . . . 49 CFR Parts 170 - 189." 49 CFR 173.392(c)(1) requires that "Materials 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, on December 9, 1980, 21 barrels in this shipment delivered to the Chem-Nuclear burial site at Barnwell South Carolina were not strong, tight packages in that there were punctures in the sides which permitted the contents to spill onto the trailer bed.

This is a Severity Level III Violation (Supplement V.C.(1)).

Response:

We acknowledge that twenty-one drums contained in shipment No. 80-082 were punctured. However, we disagree that those containers were required to be strong tight packages for purposes of transportation. On the contrary, shipment No. 80-082 could have been transported unpackaged because the content of the shipment was a LSA radioactive material, was transported in a closed transport vehicle assigned for the sole use of the Turkey Point Plant and, otherwise met the criteria stipulated in 10 CFR 173.392(D)(1)(iii). This paragraph provides that materials of low radioactive concentration may be transported unpackaged; ". . . if the average estimated radioactivity concentration does not exceed 0.001 millicurie per gram and the contribution from Group I material does not exceed one percent of the total radioactivity. The average estimate of radioactive concentration of the material in shipment No. 80-082 was  $1.2 \times 10^{-7}$  millicurie per gram. However, the material was containerized in 55 gallon drums primarily to satisfy conditions in the Barnwell Site Disposal Criteria.

In view of the above, we disagree that the punctured drums in shipment No. 80-082 constitutes a Severity Level III violation. On the otherhand, there was no intent to allow the shipment to include drums which were punctured and Florida Power & Light Company management has expressed considerable concern that it happened. Consequently, an immediate investigation was initiated at the time of the incident and appropriate corrective measures quickly implemented in order to prevent a reoccurrence. In that regard, we are submitting the following information which previously was transmitted to the Bureau of Radiological Health of the State of South Carolina, Department of Health and Environmental Control.

Based upon our investigation into this incident we were able to determine that the drums were damaged because of an equipment problem, and that our failure to detect the damage was a consequence of a weakness in our inspection procedures.

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In as much as each container was inspected completely just prior to being loaded onto the transport vehicle, we were able to conclude that any damage occurred while positioning the containers within the transport vehicle. By evaluating the type and location of the damage on the drums it was determined that the punctures were caused by the loading blades on the fork lift. We also learned that the drum lifting device used to load the shipment was a new piece of equipment. Subsequently, we were able to determine that it was possible for the blades of the forklift to protrude through the fork guides on the drum lifting device and contact could be made between the fork blades and the drum.

To prevent a recurrence of this incident the following corrective actions and procedural modifications have been implemented:

- a) The incident was reviewed with plant personnel who have assigned responsibilities in radioactive waste handling and management and appropriate precautions urged.
- b) All of the drum lifting devices used for radioactive drum handling have physical modifications designed to preclude the fork lift blades from protruding beyond the fork guides.
- c) Additional inspection requirements have been added to Turkey Point's Health Physics Procedure HP-46, Shipping and Receiving Radioactive Material so that all packages in addition to being inspected before they are loaded will now also be inspected after they have been positioned on the transport vehicle.
- d) To further strengthen our package inspection requirements, the procedural modifications to HP-46 have been incorporated into the appropriate QC check sheets as QC hold points.

Finally, the circumstances involving Turkey Point shipment No. 80-082 clearly illustrate a conflict between 10 CFR 173.392(C)(1), 173.392(D)(1) and Supplement V.C.1. Specifically, the NRC has classified the incident to be a Severity Level III violation for a breach of package integrity in packages that were not required for transportation. In view of this, we believe that the NRC should reevaluate their criteria under Supplement V and reclassify this more appropriately as a level VI violation. We suggest the criteria for a Security Level III ought to be "Breach of integrity of a package required for transportation".

STATE OF FLORIDA )

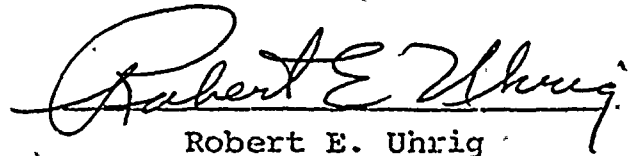
COUNTY OF DADE )

ss.

Robert E. Uhrig, being first duly sworn, deposes and says:

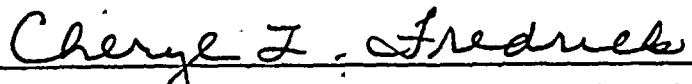
That he is a Vice President of Florida Power & Light Company,  
the Licensee herein;

That he has executed the foregoing document; that the state-  
ments made in this said document are true and correct to the  
best of his knowledge, information, and belief, and that he  
is authorized to execute the document on behalf of said  
Licensee.

  
Robert E. Uhrig

Subscribed and sworn to before me this

27 day of March, 1981

  
NOTARY PUBLIC, in and for the county of Dade,  
State of Florida

My commission expires: Notary Public, State of Florida at Largo  
My Commission Expires October 30, 1983  
Bonded thru Maynard Bonding Agency

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