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JUN 06 1985

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Duke Power Company  
ATTN: Mr. H. B. Tucker, Vice President  
Nuclear Production Department  
422 South Church Street  
Charlotte, NC 28242

Gentlemen:

SUBJECT: NOTICE OF VIOLATION: EA 85-56  
RADIOACTIVE MATERIAL TRANSPORT  
(INSPECTION REPORT NOS. 50-269/85-03, 50-270/85-03, AND 50-287/85-03)

A safety inspection of activities authorized by the Nuclear Regulatory Commission (NRC) Operating License Nos. DPR-38, DRP-47, and DPR-55 for the Oconee facility was conducted by this office during the period of February 11 - March 10, 1985. The inspection included a review of the circumstances surrounding inadequate package preparation for shipping of radioactive material. As a result of this inspection, significant failures to comply with NRC regulatory requirements were identified, and accordingly, an Enforcement Conference to discuss this matter was held in the Region II office on March 26, 1985.

The violation associated with this event involved a failure to adequately prepare a radioactive shipment. Your representatives stated, during the Enforcement Conference on March 26, 1985, that the cause of this event was a judgmental error in installing only 6 of 14 clamps to secure the cover to the shipping container. As a result of this failure, the top of the shipping container came off during transport. There was no release of radioactivity from this event. The NRC is concerned that this violation of regulatory requirements could have resulted in contamination levels outside the package in excess of NRC limits.

In accordance with the "General Statement of Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the violation described in the enclosed Notice has been classified at a Severity Level III. Normally, a civil penalty is considered for a Severity Level III violation. However, after consultation with the Director, Office of Inspection and Enforcement, I have decided that a civil penalty will not be proposed in this case because of your prior good transportation history and the fact that Duke Power Company discovered and reported this event, promptly investigated the circumstances of this event, and took decisive corrective action to preclude its recurrence.

You are required to respond to the enclosed Notice and should follow the instructions specified therein when preparing your response. Your response should specifically address the corrective actions taken or planned with regard to ensuring that future packaging and shipment of containers of radioactive

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materials are properly installed and secured and are free of defects. In your response, appropriate reference to previous submittals is acceptable. After reviewing your response to this Notice of Violation, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures will be placed in the NRC's Public Document Room.

The responses directed by this letter and accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

ORIGINAL SIGNED BY:

J. NELSON GRACE

J. Nelson Grace  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Inspection Report Nos. 50-269/85-03,  
50-270/85-03, and 50-287/85-03

cc w/encls:

M. S. Tuckman, Station Manager