

NOTICE OF VIOLATION

Duke Power Company
Oconee Nuclear Power Plant

Docket No. 50-269
License No. DPR-38
EA 85-56

As a result of a Nuclear Regulatory Commission (NRC) inspection conducted on February 11 - March 10, 1985, a violation of NRC requirements was identified. The violation involved a failure to meet the strong, tight package requirement of 49 CFR 173.425(b) as required by 10 CFR 71.5(a). In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the particular violation is set forth below:

10 CFR 71.5(a) requires that a licensee who transports any licensed material outside the confines of his plant or other place of use or who delivers licensed material to a carrier for transport shall comply with the applicable requirements of regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 173.425(b) requires that low specific activity radioactive materials consigned for exclusive use be packaged in a DOT Specification 7A Type A package or in a strong, tight package so that there will be no leakage of radioactive material under conditions normally incident to transportation.

49 CFR 173.475(c) requires the shipper to ensure prior to shipment that each closure device of the packaging be properly installed, secured, and free of defects.

49 CFR 173.475(f) requires the shipper to ensure prior to shipment each closure, valve, or other opening of the containment system through which the radioactive content might escape be properly closed and sealed.

Contrary to the above, on March 1, 1985, the licensee failed to package a shipment of low specific activity radioactive material in a DOT Specification 7A Type A package or a strong, tight package in that the top of the package came off during transport.

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

Pursuant to 10 CFR 2.201, Duke Power Company is hereby required to submit to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, 101 Marietta Street, N.W., Suite 2900, Atlanta, Georgia 30323, within 30 days of the date of this Notice a written statement or explanation including for the violation: (1) the reasons for the violation if admitted, (2) the corrective steps which have been taken and the results achieved, (3) the corrective steps which will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.

Dated at Atlanta, Georgia
this 6 day of June 1985

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Duke Power Company

Distribution

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CA

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DCS

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