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Vice President

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Indian Point Station
Docket No. 50-247

February 10, 1980

Mr. George H. Smith, Chief
Fuel Facility and Materials Safety Branch
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission, Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Dear Mr. Smith:

This refers to Inspection 50-247/79-24 conducted by Mr. P. Clemons, Radiation Specialist, on November 15-16, 1979, of activities authorized by NRC License No. DPR-26 at Indian Point Station. Your January 17, 1980 letter stated that it appeared that one of our activities was not conducted in full compliance with NRC requirements; as set forth in the Notice of Violation enclosed therewith as Appendix A. Our response to this item of noncompliance is as follows:

Prior to our request to become Registered Users of the subject container, we had requested the appropriate documents from the container owner. This document package was received, however it did not contain all appropriate references. We have now obtained all documents referenced by the current Certificate of Compliance for the subject container.

To prevent recurrence, we have reviewed all Certificates of Compliance issued for those containers for which we are Registered Users. We will assure that, prior to the use of any shipping container, all required documents are in our possession. In addition, the Supervisor responsible for waste shipment has been reinstructed in the requirements to possess all documents referenced in a containers Certificate of Compliance prior to shipment of that container.

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Although no response is required to Item 6 in the details of the NRC inspection report, Con Edison wishes to state the following with respect to the inspector's comments.

The specific audit discussed was conducted in response to action required in IE Bulletin 79-19, Item 8, specifying "...a management-controlled audit of your activities associated with the transfer, packaging and transport of low-level radioactive waste." The subject of the NRC inspection was "...the licensee's response to IE Bulletin 79-19."

A Con Edison auditor conducts ten or more audits per year in different programs each of which may involve dozens of pages of Federal and State regulations, several Regulatory Guides and National standards, numerous internal procedures and perhaps hundreds of operations. Like NRC inspectors, he must select portions of this entire program for detailed review in any given audit (or inspection). He then prepares a detailed audit plan for these selected portions. The portions to be audited are selected a priori by the auditor based upon (1) mandated requirements, (2) his judgment and experience with prior audits of this program, (3) need to audit all aspects of the program over a specified time period, and (4) random selection of data and operations. The auditor may decide to expand the scope of the audit if his findings during the course of the audit lead him to do so.

The subject inspection report includes the following statements relating to the scope of the Con Edison audit in question:

- (a) "The auditors did not detect a shipment of radioactive waste that was made on September 5, 1979... without the licensee having copies of all documents..
- (b) "In addition, the auditors did not address the survey data of the shipment made by the licensee on June 14, 1979."

As noted above, an audit program is by its very nature selective. Any one individual audit would not necessarily review all aspects of the audited activity. The two items identified by the NRC inspector had not been selected for review during the particular Con Edison audit in question just as, in a similar manner, Con Edison audits have reviewed areas the NRC has not chosen for review. Thus, while the statements are true, we believe they are misleading. The auditor is faulted, after the fact, for not having carried out an audit that strictly

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paralleled what the later inspection covered. It is neither required nor desirable that auditors and inspectors duplicate each other's work.

Another statement in the subject inspection report refers to the qualifications of the (Con Edison) individuals performing the audits and expresses concern "because they did not know the regulations....the requirements of 10CFR 71.51." That concern was misplaced because the auditor was fully aware of the QA program requirements in 10CFR 71.51 and with the corresponding Con Edison QA program.

The inspector also expressed concern that the auditor "did not know the ... requirements of ... 10CFR 71.12 (b)." We believe this concern stemmed from the inspector's questioning of our auditor on the depth of review of supplemental documents required to be onsite to support use of a particular cask for the shipment of radwaste. Based upon the results of a previous audit, our auditor had intentionally chosen for this audit to review the broader aspects of radwaste shipments, not including the auxiliary requirements related to onsite availability of supplementing documents for cask licenses. In responding to the inspector's questions, the auditor was aware that the regulations require supporting documents to be on hand; he did not recall the exact language of 10 CFR 71.12 (b) since he had not chosen that aspect of the regulations for detailed audit.

With regard to qualifications, the employee involved has conducted audits at Con Edison facilities for seven years including experience in radwaste management and health physics operations. He holds a Masters Degree in Physics and has completed the course work necessary for a PhD in nuclear engineering. Overall, he has 28 years of applicable experience.

Very truly yours,

