NINE MILE POINT 1 Evaluation Period: 2/1/80-1/31/81

I. General

The licensee expanded the onsite staff to address the weaknesses identified during routine inspections and during the Health Physics Appraisal. The licensee hired a full time Emergency Planning Coordinator; authorized a 50% increase in the size of the HP staff; added eight contractor HPs; and, retained the services of a General Electric consultant to assist with health physics procedure updates. Additionally, the licensee has added two radwaste operators per shift; and instituted a systematic program to upgrade performance in the health physics area, with monthly status reports submitted to the NRC.

The licensee revised procedures governing the flow of information within the corporate and onsite organizations to address the management controls weaknesses identified during the NRC investigation associated with the licensee's failure to meet a TMI Short Term requirement.

II. Specific

Contention

"The Nine Mile Point facility displayed evidence of weaknesses in four functional areas. Those areas were: radiation protection, emergency preparedness, radioactive waste management, and management controls."

These contentions are addressed as follows:

Radiation Protection (See Contention A)
Emergency Preparedness (See Contention B)
Radioactive Waste Management (See Contention C)
Management Controls (See Contention D)

Contention A

"The Radiation Protection Area was characterized by items of noncompliance and inadequacies in major areas of the licensee's Health Physics Program. Escalated enforcement action was taken to assure licensee corrective actions."

1. Basis

References

The Health Physics Appraisal in October 1980 identified eleven items of noncompliance (infractions) and forty-four separate items requiring correction to achieve an acceptable program. These findings indicated weaknesses in the areas of personnel selection, qualifications and training, exposure control, radio-

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logical surveillance and ALARA program implementation. In addition, it was determined that there was inadequate technical depth in the Radiation Protection organization, the staffing, and some procedures.

2. NRC Actions

An Immediate Action Letter was issued on October 10, 1980 (IAL 80-38) requiring the licensee to develop and submit an Action Plan detailing milestones and schedules to upgrade the Radiation Protection Program on a priority basis. The NRC reviewed monthly progress reports summarizing efforts in upgrading the Radiation Protection Program which the licensee has submitted since January 1, 1981. Review of these monthly reports will continue until the upgrading is completed.

10/10/80 NRC Region I letter (IAL 80-38)

3. Licensee Corrective Action

The licensee submitted an Action Plan, with milestones and schedules, to upgrade the Radiation Protection Program. The Action Plan was developed with the assistance of a specialist from the General Electric Company who was working onsite since October 28, 1980. A fifty percent increase in the size of the technical staff was authorized by the licensee to allow for training and for the increased workload the upgraded programs would entail. Additionally, the radiation protection technicians were augmented by eight contractor health physics technicians.

11/26/80 Licensee letter

Contention B

"The licensee had significant weaknesses in...emergency preparedness ..."

1. Basis

References

During the Health Physics Appraisal, weaknesses were identified also in four major areas of the Emergency Preparedness Program: Emergency Organization, Training/Retraining, Emergency Facilities/Equipment, and Emergency Procedures. There were 21 specific findings within these areas. In addition, a finding concerning the adequacy of the

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High Range Interim Effluent Stack Monitor was identified. This finding, which resulted in a civil penalty, is discussed in Contention D.

2. NRC Actions

A report was issued identifying twenty-one specific actions required to achieve an acceptable program. NRC continues to monitor licensee's corrective actions. An Emergency Preparedness Appraisal inspection has been scheduled.

3/2/81 NRC letter

3. Licensee's Corrective Actions

The licensee committed to take actions to address the specific NRC findings. Additionally, the licensee implemented a new revision to the Emergency Plan and implementing procedures in order to update the program as required by 10 CFR 50 and NUREG 0654.

5/7/81 Licensee letter

Contention C

"The licensee had significant weaknesses in the areas of... Radioactive Waste Management.".

1. Basis

References

The Health Physics Appraisal determined that the overall Radioactive Waste Management program responsibility was not vested in a single individual, but rather in several individuals. The responsibilities and interactions were not documented. Significant weaknesses identified in the Radioactive Waste Management program included: the individual designated as the Radwaste Coordinator did not have adequate staff or the authority commensurate with his assigned duties; the training for personnel assigned tasks related to Radioactive Waste Management was not sufficient; Waste Handling procedures were not adequately established, implemented or reviewed; and the Site Quality Assurance Department did not provide sufficient active participation in activities relating to radioactive waste packaging and shipment.

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2. NRC Actions

An Immediate Action Letter was issued on October 10, 1980 (IAL 80-38) requiring the licensee to develop and submit an Action Plan detailing milestones and schedules to upgrade the Radiation Protection Program. The required Action Plan was directed to include Radioactive Waste Management.

10/10/80 NRC Region letter (IAL 80-38)

3. Licensee Corrective Action

The licensee submitted an Action Plan, with milestones and schedules, to upgrade the Radioactive Waste Management program as part of the overall Action Plan for upgrading the Radiation Protection Program.

11/26/80 Licensee letter;

5/7/81 Licensee letter

Waste Handling procedures were developed, reviewed, approved and implemented by the licensee.

The Radwaste Operations Coordinator will be assigned two dedicated operators per shift, effective 8/31/81, who will be trained in their assigned tasks.

Contention D

"An inadequate installation prevented full compliance with the requirements for an increased range radiation monitor pursuant to the short term requirements of the TMI Lessons Learned. Licensee management failed to properly identify, correct and report this inadequate installation which resulted in escalated enforcement action by the NRC."

1. Basis

References

During a special, unannounced inspection conducted in October-November, 1980, the NRC determined that the licensee failed to comply with the short term recommendations of Item 2.1.8.b of NUREG 0578 "TMI Lessons Learned Task Force Status Report and Short Term Recommendations." The recommendations in this report were made mandatory by an NRC Show Cause Order, dated January 2, 1980. The inspection, and a subsequent NRC investigation, identified the fact that an acceptable method for quantifying noble gas releases during accident conditions was not in place at the facility. Moreover, the licensee failed to convey this information accu-

IE Reports 50-220/80-17 and 80-18;
11/26/80 NRC letter, EA 81-08;
1/2/80 NRC Show Cause Order;
1/22/80 Licensee letter

rately to the NRC, but indicated in the January 22, 1980 response to the NRC Show Cause Order that the short term requirements of Item 2.1.8.b were satisfied on December 31, 1979. This response was prepared by the licensee's corporate office based on site input and was concurred in by both corporate and site management.

2. NRC Actions

The NRC took escalated enforcement action in the forms of both a civil penalty and orders. A civil penalty was assessed as a results of the false statement contained in the licensee's response to Show Cause. An Order for license modification, effective immediately, was levied on the licensee by the NRC which required the removal of the licensee's General Site Superintendent from involvement in nuclear matters. Additionally, a Show Cause Order was issued requiring the licensee to justify why a Corporate Vice-President also should not be so removed. Additionally, an IAL was issued by NRC, Region I, to obtain licensee commitments to comply with the Item 2.1.8.b requirements.

10/17/80 NRC Region I letter (IAL 80-40);
11/26/80 NRC letter EA 81-08;
3/20/81 NRC letter
3/25/81 Licensee letter

Based on further NRC investigation and an extensive NRC review of the circumstances surrounding this issue and the licensee's corrective action, the two orders were subsequently lifted and the individual was reinstated as General Site Superintendent. The civil penalty was mitigated and the licensee forwarded payment of $215,000.

The NRC continues to monitor the licensee's performance.

3. Licensee Corrective Actions

In IAL 80-40, the licensee committed to correct the technical problems associated with the interim method for noble gas release measurement. The licensee established procedures both at the site and at the corporate office designed to improve the management control of the information within the licensee's organization.

10/17/80 NRC Region I letter (IAL 80-40)
1/3/81 Licensee letter
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