

DES

September 13, 1994

Docket No. 70-1100  
EA No. 94-189

Mr. John Conant  
Facilities Manager  
ABB Combustion Engineering, Inc.  
1000 Prospect Hill Road  
Windsor, Connecticut 06095-0500

Dear Mr. Conant:

Subject: NRC Inspection No. 70-1100/94-02

An announced safety inspection of NRC licensed activities was conducted at your facility by Mr. J. Noggle of this office on August 17-18, 1994. The inspection findings were discussed by Mr. Noggle with you and members of your staff on August 18, 1994. Additional inspection was conducted in the Region I Office on August 19, 1994, to review the radiological conditions of Buildings 3 and 3A. Subsequently, our inspection findings were discussed by Susan Shankman and other members of the NRC Region I staff with you and other members of the Windsor site staff by telephone on August 22, 1994.

Areas reviewed during the inspection are important to health and safety and are discussed in the enclosed inspection report. These areas included previously identified items, audits and surveillances, organization changes, and an operations and radiation protection review of the site facilities.

The inspection also included a preliminary site visit by Mr. Eric Ablequist of Oak Ridge Institute for Science and Education (ORISE) acting as an agent for the NRC for the independent radiological survey verification of Buildings 17 and 21 following completion of decontamination activities by ABB Combustion Engineering and its contractor.

An unresolved item from a previous inspection, concerning the sanitary sewage radiological sampling requirements, remains open. Additional piping and instrumentation drawings and previous sampling documentation are still required of your staff to resolve this item. A review of the first 1994 semi-annual radiation protection audit disclosed an audit performed of the Building 17 facility during a 30-day license suspension period in April 1994, when the facility was secured from personnel access. This audit verified the facility was secured, but was of limited value, since the previous radiation safety program had been terminated and the radiation safety program to be implemented by your decommissioning contractor had not been put into effect and was, therefore, unavailable for review by the auditor. Although, the license requirement for performance of a semi-annual audit was met, it did not provide a meaningful review of the radiation protection provided at your facility.

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During a tour of Buildings 3 and 3A, the inspector observed radiological controls being implemented to minimize the exposure of the buildings' occupants to uranium contamination identified in these buildings. The implementation of radiological controls in this "non-nuclear" facility occurred due to the discovery by your staff of loose high enriched uranium contamination in various areas of Buildings 3 and 3A during the period August 1993 through March 1994. The NRC was not notified within 30 days of the discovery of high levels of loose uranium contamination in this facility. This is an apparent violation of 10 CFR 20.2203 and/or 10 CFR 70.9.

As discussed between you and Robert Bores on September 9, 1994, the apparent violations are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C (1993). A copy of 10 CFR 2, Appendix C, is enclosed. Accordingly, no Notice of Violation is presently being issued for this inspection finding. However, please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review.

An enforcement conference to discuss the apparent violations will be held in the NRC Region I Office at 9:00 a.m. on September 27, 1994. The purposes of this conference are to discuss the apparent violations, the causes and safety significance; to provide you the opportunity to point out any errors in our inspection report; and to provide an opportunity for you to present your proposed corrective actions. In particular, please be prepared to discuss your rationale for concluding that the escalating need for radiological controls in Buildings 3 and 3A did not need to be reported to the NRC. In addition, this is an opportunity for you to provide any information concerning your perspective on (1) the severity of the issue, (2) the factors that the NRC considers when it determines the amount of any civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and (3) the possible basis for exercising discretion in accordance with Section VII of the Enforcement Policy. You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violations is required at this time. Please be advised that the meeting proceedings will be transcribed.

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

We appreciate your cooperation.

Sincerely,

Original Signed By:  
Charles W. Hehl

Charles W. Hehl, Director  
Division of Radiation Safety  
and Safeguards

ABB Combustion Engineering, Inc. 3

Enclosures:

1. NRC Inspection Report No. 70-1100/94-02
2. Title 10, Code of Federal Regulations, Part 2, Appendix C

cc w/encls:

R. S. Siudek, President - Nuclear Operations  
S. B. Junkrans, Vice President, Fuel Operations  
C. B. Brinkman, Manager, Washington Nuclear Operations  
L. V. Corsetti, Manager, Core Materials Development  
J. M. Limbert, Radiation Safety Officer  
M. A. Michelsen, Licensing Engineer  
Public Document Room (PDR)  
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Nuclear Safety Information Center (NSIC)  
State of Connecticut

bcc w/encls:

Region I Docket Room (with concurrences)

J. Noggle, DRSS

T. Johnson, NMSS

S. Soong, NMSS

M. Tokar, NMSS

W. Dean, OEDO

J. Joyner, DRSS

W. Hehl, DRSS

K. Smith, RI

J. Lieberman, OE

D. Holody, RI

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Noggle

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