

ENCLOSURE 1

NOTICE OF VIOLATION

Consolidated Edison Company  
Indian Point 2

Docket No. 50-247  
License No. DPR-26  
EA No. 95-119

As a result of an NRC inspection conducted on June 5-9, 1995, a violation of NRC requirements has been identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is set forth below:

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

49 CFR 173.441(a), (b)(2), and (b)(3) require in part, that each package of radioactive materials offered for transportation by an exclusive use shipment must be designed and prepared for shipment so that, under conditions normally incident to transportation, the radiation level does not exceed 200 millirem per hour on the outer surfaces of the vehicle and does not exceed 10 millirem per hour at any point 2 meters from the outer lateral surfaces of the vehicle.

Contrary to the above, on March 27, 1995, the licensee delivered licensed material to a carrier for exclusive use transport in a package that arrived at its destination (Scientific Ecology Group, Incorporated, in Oak Ridge, Tennessee, on March 28, 1995) with radiation levels of 375 millirem per hour on contact with the outer surface of the vehicle, and 12 millirem per hour at a point 2 meters from the outer lateral surfaces of the vehicle.

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

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken and planned to correct the violation and prevent recurrence is already addressed on the docket in NRC Inspection Report Nos. 50-03/95-01 and 50-247/95-16. Therefore, you are not required to respond to the provisions of 10 CFR 2.201. However, if you choose to respond, clearly mark your response as a "Reply to Notice of Violation", and sent it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation (Notice), within 30 days of the date of the letter transmitting this Notice.

Dated at King of Prussia, Pennsylvania  
this 23rd day of June 1995

Consolidated Edison Company of  
New York, Inc.

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Docket No. 50-247  
License No. DPR-26

Enclosures:

1. Notice of Violation
2. Inspection Report

cc w/encls:

- C. Jackson, Manager, Nuclear Safety and Licensing
- B. Brandenburg, Assistant General Counsel
- P. Kokolakis, Director, Nuclear Licensing - PWR, NYPA
- C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
Director, Energy & Water Division, Department of Public Service, State of  
New York
- W. Stein, Secretary - NFSC
- F. William Valentino, President, New York State Energy Research and  
Development Authority

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New York, Inc.

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Nuclear Safety Information Center (NSIC)

NRC Resident Inspector - IP-2

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