



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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original

SEP 27 1984

Docket No. 50-247
EA 84-92

Consolidated Edison Company of
New York, Inc.
ATTN: Mr. Arthur Hauspurg
President
4 Irving Place
New York, New York 10003

Gentlemen:

Subject: Notice of Violation and Order Modifying License
(NRC Inspection Nos. 50-247/84-13 and 50-247/84-22)

This refers to the special safety inspection conducted by Region I staff members on June 12-15 and July 5-6, 1984, at the Indian Point Nuclear Generating Station, Unit 2, Buchanan, New York, of activities authorized by NRC License No. DPR-26. The report of the inspection was forwarded to you on July 13, 1984. The inspection was conducted to review certain radiological safety concerns identified by the resident inspector, and also to review the circumstances associated with an unplanned exposure of two workers on June 19, 1984. The NRC resident inspector became aware of the unplanned exposures on June 20, 1984. On July 18, 1984, an enforcement conference was held at the site with Mr. Charles Jackson and other members of your staff to discuss the cause of the unplanned exposures, the violations associated with the exposures, other deficiencies in your radiological controls program, and your corrective actions. At the conference, your plan for improving the overall quality of the radiological controls program at Indian Point, Unit 2, was also discussed.

This also refers to the special safety inspection conducted by NRC staff members on August 16-17, 1984 at Indian Point, Unit 2, to review the circumstances associated with another unplanned exposure of one individual on August 7, 1984. The results of this inspection are contained in Report No. 50-247/84-22.

Although the unplanned occupational radiation exposures received by the three individuals were not in excess of regulatory limits, the causes for the exposures are of concern to the NRC because adequate radiological controls were not implemented thereby creating, in each case, a substantial potential for a radiation exposure in excess of regulatory limits.

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RETURN RECEIPT REQUESTED

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The NRC is particularly concerned about these occurrences because the enforcement history at Indian Point, Unit 2 in the area of radiological protection has not been good in recent years. For example, on December 4, 1981, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$40,000 was issued for violations involving inadequate control of personnel monitoring, inadequate control of personnel access to high radiation areas, and failure of health physics contractor personnel to adhere to procedures. Also, on December 16, 1982, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$180,000 was issued, \$100,000 of which was for violations involving a personnel radiation exposure in excess of the regulatory limit caused by inadequate planning, direction, and control of diving operations in the spent fuel pool by contractor personnel.

We consider the recent unplanned exposures which occurred on June 19 and August 7, 1984 to be indicative of similar inadequate planning, direction, and control of activities involving a potential for personnel exposure to radiation. Collectively, these occurrences represent significant programmatic deficiencies in the radiation protection program. At the enforcement conference, your staff acknowledged that the implemented radiological controls program was deficient and you presented a plan of action for improvements. I have determined that, in addition to this plan of action, other actions are needed at Indian Point, Unit 2 to establish an effective program to assure adequate radiological controls of licensed activities and to minimize the radiological hazards associated with the performance of those activities. Accordingly, I have decided to issue the enclosed Order Modifying License.

The violations associated with the recent events are described in the enclosed Notice of Violation and have been classified in the aggregate as a Severity Level III problem in accordance with the NRC Enforcement Policy, 10 CFR 2, Appendix C, as revised, 49 CFR 8583 (March 8, 1984). Although civil penalties are considered for Severity Level III problems, we have determined that the more appropriate enforcement action in this case is the issuance of the enclosed Order.

You are required to respond to the enclosed Order and Notice and should follow the instructions specified therein when preparing your response. Your written reply to this letter and the results of future inspections will be considered in determining whether further enforcement action is appropriate.

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

Consolidated Edison Company
of New York, Inc.

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The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget, otherwise required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,



Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosures:

1. Order Modifying License
2. Notice of Violation

cc w/encls:

C. W. Jackson, Vice President, Nuclear Power
M. Blatt, Director, Regulatory Affairs
W. D. Hamlin, Assistant to Resident Manager (PASNY)
F. Matra, Resident Construction Manager
R. L. Spring, Nuclear Licensing Engineer
Director, Power Division
Thomas J. Farrelly, Esquire
K. Burke, General Manager, Administrative Services
Brent L. Brandenburg, Assistant General Counsel
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
State of New York