

August 9, 2000

EA No. 00-155

Mr. A. Alan Blind
Vice President - Nuclear Power
Consolidated Edison Company of
New York, Inc.
Indian Point 2 Station
Broadway and Bleakley Avenue
Buchanan, NY 10511

SUBJECT: FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION
(NRC INSPECTION REPORT 05000247/2000-006)

Dear Mr. Blind:

The purpose of this letter is to provide you with our final determination on the three preliminary White findings related to the Indian Point 2 Nuclear Power Plant emergency preparedness (EP) program identified in the subject inspection report. These inspection findings were assessed using the Significance Determination Process (SDP) and were preliminarily characterized as White (issues with low to moderate importance to safety, which may require additional NRC inspections). On June 2, 2000, the NRC completed the subject inspection of the Indian Point 2 Nuclear Power Plant EP program. The inspection identified EP performance problems that occurred (1) during the February 15, 2000, steam generator tube failure (SGTF) event which resulted in the declaration of an Alert, and (2) during your performance in the June 1, 2000, EP exercise. Preliminary findings were presented to you and your staff by Mr. D. Silk in an exit meeting on June 2, 2000. Following the review of the preliminary findings by an NRC SDP panel, your staff was informed of the results by telephone on July 14, 2000. These results were also documented in NRC Inspection Report 05000247/2000-006 issued on the same day.

The letter sent with the inspection report provided you the opportunity to attend a regulatory conference or submit a written response to the findings. In a telephone conversation with Mr. R. Conte of NRC, Region I, on July 18, 2000, Mr. F. Inzirillo of your staff indicated that Consolidated Edison did not contest the characterization of the risk significance of these findings and felt there was no need for a Regulatory Conference or a written response at that time.

The NRC has concluded that these three inspection findings are appropriately characterized as White. These White findings involved failures to meet NRC emergency planning standards for: (1) the timely augmentation by the emergency response organization, (2) the timely accountability of onsite radiation emergency workers, and (3) the factual and consistent dissemination of information to the media and a local official. These failures contributed to emergency response deficiencies that were exhibited during the course of the SGTF Alert event. Using the SDP, we determined the findings to be White based on the failures to meet

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the associated emergency planning standards in 10 CFR 50.47(b). The determination is further described in Sections 1EP3 b.1, 2, and 3 of Inspection Report 05000247/2000-006.

The failures to meet the emergency planning standards of 10 CFR 50.47(b) are violations and are described in the attached Notice of Violation (Notice). These violations are being cited in accordance with the NRC Enforcement Policy for the NRC Power Reactor Oversight Process, as described in NUREG 1600, because they are associated with White findings.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

We will notify you by separate correspondence of any additional agency follow up actions as determined by the NRC Action Matrix.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Hubert J. Miller
Regional Administrator
Region I

Docket No. 05000247
License No. DPR-26

Enclosure: Notice of Violation

Mr. A. Alan Blind

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cc w/encl:

J. Groth, Senior Vice President - Nuclear Operations

J. Baumstark, Vice President, Nuclear Power Engineering

J. McCann, Manager, Nuclear Safety and Licensing

B. Brandenburg, Assistant General Counsel

C. Faison, Director, Nuclear Licensing, NYPA

J. Ferrick, Operations Manager

C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law

P. Eddy, Electric Division, Department of Public Service, State of New York

T. Rose, NFSC Secretary

F. William Valentino, President, New York State Energy Research
and Development Authority

J. Spath, Program Director, New York State Energy Research
and Development Authority

County Clerk, West Chester County Legislature

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T. Judson, Central NY Citizens Awareness Network

M. Elie, Citizens Awareness Network

R. Reynolds, FEMA, Region II

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NOTICE OF VIOLATION

Consolidated Edison
Indian Point 2 Nuclear Power Plant

Docket No. 05000247
License No. DPR-26
EA No. 00-155

During an NRC inspection conducted on May 15 through June 2, 2000, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

10 CFR 50.54(q) specifies that a licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b).

1. 10 CFR 50.47(b)(2) requires that timely augmentation of response capabilities be available.

The Indian Point 2 (IP2) Emergency Plan (E-Plan), dated April 24, 1996, sections 7.1.5, 7.1.6, 7.1.7, and Figure 5.2-1 (Minimum Staffing for Emergencies, in the Emergency Plan for Indian Point Unit Nos. 1 & 2) requires that the Technical Support Center (TSC), Operations Support Center (OSC), and Emergency Operations Facility (EOF) be minimally staffed within 60 minutes of an Alert.

Contrary to the above, as of February 15, 2000, the licensee's EP program did not ensure timely augmentation of response capability in that procedures, training, and equipment were deficient to ensure minimal staffing at the response facilities within 60 minutes. Specific deficiencies that contributed to the failure to meet the planning standard were problems with: (a) the Emergency Response Organization (ERO) notification process, including inadequate procedures for using the communication system which added time delays, and some pagers and the Community Alert Network System did not operate properly which created difficulties in achieving the minimum staffing of the ERO; (b) the security force's procedures and training which resulted in security personnel not knowing where to send individual responders, which resulted in delays in ERO personnel obtaining onsite access; and (c) training of some ERO personnel who did not know where to report onsite which also resulted in delays. These deficiencies contributed to the licensee's inability to respond within 60 minutes during an Alert declaration on February 15, 2000, for a steam generator tube failure event. During that event, it took in excess of 60 minutes (actual time was 100 minutes) to complete the minimum augmentation staffing for the TSC, OSC, and EOF.

This violation was of low to moderate safety significance because of the failure to meet an NRC emergency planning standard (White).

2. 10 CFR50.47(b)(10) requires that a range of protective actions have been developed for the plume exposure pathway EPZ for emergency workers and the public.

The licensee meets the above requirement by maintaining control of the site at all times and accounting for workers. The IP2 E-Plan, dated April 24, 1996, section 6.4.1.d, and Implementing Procedure 1027, section 5.1.2.f, require, in part, that individuals go to their pre-established assembly areas where accountability is performed by the Accountability Office. Within approximately 30 minutes of initiation, lists of personnel not accounted for are to be compiled.

Contrary to the above, as of February 15, 2000, the licensee's EP program did not ensure adequate development of a range of protective actions for emergency workers in an emergency in that the program did not ensure that accountability of workers could be performed within 30 minutes. Specific problems that contributed to the failure to meet the planning standard were: (a) individuals assigned to perform accountability had deficient knowledge of the accountability process and did not know when the accountability process was complete, and (b) there were no security procedures in place for ensuring site control of personnel at all times during an emergency event in that personnel could enter the Indian Point Unit 2 site through the Indian Point Unit 3 site. These problems contributed to the licensee taking 138 minutes to complete the accountability process and to identify the personnel not accounted for during the February 15, 2000, alert declaration.

This violation was of low to moderate safety significance because of the failure to meet an NRC emergency planning standard (White).

3. 10 CFR 50.47(b)(7) requires that procedures for coordinated dissemination of information to the public are established.

The IP2 E-Plan, dated April 24, 1996, section 5.2.3, requires, in part, that factual and consistent information be released through the functions of the Public Information Department and the Emergency (Joint) News Center for emergencies.

Contrary to the above, as of June 1, 2000, the licensee's EP program did not ensure adequate procedures and training for the dissemination of factual and consistent information to the public in an emergency. Procedures and training problems included minimal training or guidance for personnel regarding what information should be disseminated to the public, and a wrong number in the media relations procedure for notifying local officials. These problems contributed to: (a) inconsistent information being provided to the public via a press release and a press briefing regarding the status of a radiological release during the February 15, 2000, Alert event; (b) one local official not being contacted during the February 15, 2000, alert declaration; (c) inconsistent statements made regarding the status of the radiological release during the June 1, 2000, exercise; and (d) information about the location of the plume was not available during the June 1, 2000, exercise.

This violation was of low to moderate safety significance because of the failure to meet an NRC emergency planning standard (White).

Pursuant to the provisions of 10 CFR 2.201, Consolidated Edison is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violations, or, if contested, the basis for disputing the violations, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated at King of Prussia, Pennsylvania
this 9th day of August, 2000