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Vice President

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January 25, 1990

Re: Indian Point Unit No. 2  
Docket No. 50-247

Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555

Subject: Response to Notice of Violation and Proposed  
Imposition of Civil Penalty (NRC Inspection  
Report No. 50-247/89-17)

Gentlemen:

This is in response to Regional Administrator William T. Russell's letter of December 26, 1989, which enclosed a Notice of Violation and Proposed Imposition of Civil Penalty resulting from his office's inspection of emergency preparedness at Indian Point 2 conducted September 18-21, 1989 (NRC Inspection Report No. 50-247/89-17). Pursuant to Consolidated Edison Corporate Instruction 250-1, your letter has been referred to me for reply.

Enclosed herewith is our Reply and Answer to the Notice of Violation. While we acknowledge the circumstances and events discussed in the Notice, we have chosen to recount the history of our Emergency Action Level (EAL) upgrade program in some detail to more fully explain our motives for the questioned plan changes, and what at the time we believed were the regulatory and safety implications of those changes. When these changes were implemented in December 1988, we believed in good faith that we had significantly improved the effectiveness of our emergency plan, and therefore prior NRC approval was not required. We now recognize that under the standard for assessing plan effectiveness applied by the NRC in reviewing our plan changes, pre-implementation Commission approval was in fact required. Once we fully understood the position of the NRC in June 1989 as to what EAL provisions were required, we believe that our corrective actions were both prompt and thorough.

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Station management gave this matter significant attention. At each stage the actions taken were based on our then-current understanding of the regulations and staff's interpretive positions. These efforts were unsuccessful due to an incomplete understanding of NRC's position on the treatment of NUREG-0654 Appendix 1 examples, and not because of any programmatic deficiencies.

It is our understanding that the corrective actions taken subsequent to NRC notification of concern have resulted in an NRC finding that our emergency response program is now in full compliance with NRC requirements. We also believe that the difficulties we encountered in implementing EAL changes represented an isolated interruption in what has otherwise been a pattern of good past performance and successful accomplishment in the radiological emergency planning area. For the reasons set forth in our enclosed Answer pursuant to 10 CFR 2.205, we respectfully request mitigation of the proposed civil penalty.

Should you or your staff have any questions concerning our response, we would welcome the opportunity to discuss them with you.

Very truly yours,



Enclosure

cc: Mr. William Russell  
Regional Administrator - Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1498

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