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February 28, 1997

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

Document Control Desk
US Nuclear Regulatory Commission
Mail Station P1-137
Washington, D.C. 20555

SUBJECT: Reply to Notice of Violation
(Inspection Report 50-247/96-07)

The attachment to this letter constitutes Con Edison's reply to the Notice of Violations (NOV) included with your January 28, 1997 letter concerning the inspection conducted from October 27, 1996 through December 21, 1996, and January 2 and 3, 1997 at the Indian Point 2 facility.

Should you have any questions regarding this matter, please contact Mr. Charles W. Jackson, Manager, Nuclear Safety and Licensing.

Very truly yours,



JED

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Q PDR



Attachment

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ATTACHMENT
REPLY TO NOTICE OF VIOLATION

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
INDIAN POINT UNIT NO. 2
DOCKET NO. 50-247
February 1997

NOTICES OF VIOLATION

The Notices of Violation in Inspection Report 50-247/96-07 are stated as follows:

- A. "The Indian Point Station, Units 1 and 2, Physical Security Plan (the Plan), Revision 18, dated October 11, 1996, Section 3.4.2.1, states, in part, that "Security keys enabling access to the protected area and vital areas are controlled....." The Nuclear Security Procedure NSP-8, Section 5.2.13, Revision 1, dated March 16, 1990, states, in part, that "In the event that Protected and/or Vital area security keys are discovered lost or missing, a member of the security force, SSS or SWS shall be contacted immediately and compensatory measures initiated immediately."

Contrary to the above, on April 9, 1996, security keys were found uncontrolled in the 15' lobby by a plant employee. The keys were returned to another member of the security force about 20 minutes later, but no compensatory measures were implemented because the loss of the keys was not reported to security management. The security force member who had lost the keys, realized the loss about 30 minutes thereafter. He also did not contact security management so that compensatory measures could be implemented.

This is a Severity Level IV violation (Supplement III).

- B. 10 CFR 50.54(q) requires, in part, "A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 50.47(b) and the requirements in Appendix E of this part."

10 CFR 50.47(b)(15) requires, in part, "Emergency response plans for nuclear power reactors must meet the following standard: Radiological emergency response training is provided to those who may be called on to assist in an emergency"

Con Edison's Emergency Plan, Section 8.1.2, Training, states "Emergency Plan training is conducted in accordance with training administrative procedures." The Training Program Description, Section 4.0, states, in part, "To maintain emergency response personnel qualification, participation in at least one drill/exercise every two years is required" and "Individuals will maintain their qualification if training is received within 12 + 3 months of their previous training date." Also, Training Administrative Directive Number 11, Examinations, Section 2.2.6, states "Tests used during successive administration on continuing training shall consist of at least 1/3 different test items. All exams shall be at least 1/3 different from each other."

Contrary to the above, Con Edison's emergency response organization (ERO) included an individual who had not participated in a drill or exercise within the past two years. In addition, at least seven individuals exceeded the 12 + 3 month qualification period (between 1995 and 1996) without being removed from the ERO and were not issued waivers. Furthermore, Con Edison did not vary the exams by 1/3 for several ERO positions during successive years.

This is a Severity Level IV violation (Supplement VIII)."

RESPONSE

We acknowledge the concerns addressed in these Notices of Violation and agree that the cause for these events was inadequate adherence to established plant procedures. In both events, personnel involved did not fully follow the appropriate procedures pertaining to their job responsibilities.

In the first violation, a security force member exhibited poor judgment and inappropriate decision-making by failing to identify promptly to his management the temporary loss of a set of security keys used to allow access to Vital plant areas. The individual's decision to not report the loss of the keys was based upon his knowledge that the required compensatory measures were already in effect at the time; however, a notification was still required.

Nuclear Security Procedure NSP-8 states, in part, that "In the event that Protected and/or Vital area security keys are discovered lost or missing, a member of the security force, Shift Security Supervisor (SSS) or Senior Watch Supervisor (SWS) shall be contacted immediately and compensatory measures initiated immediately." Although a failure to appropriately notify the SSS and/or SWS had occurred, the keys were recovered where they were last used and the compensatory measures to be instituted were already in effect as a result of an earlier, unrelated problem with the card reader system.

In the second violation, Emergency Planning staff members who were responsible for the Emergency Response Organization (ERO) training did not adequately follow the training procedures. Specifically, according to the Training Program Description, ERO individuals must be trained once every 15 months (including a 3 month grace period) and participate in a drill or exercise as either a player, controller or observer at least once every 2 years. In addition, according to Training Administrative Directive TRAD-11, there must be a one-third difference in test items.

ANALYSIS

The root cause for these violations was a combination of poor judgment and inappropriate decision-making on the part of individuals which resulted in a failure to fully adhere to established plant procedures. It is Con Edison's policy that all workers at the Indian Point Station adhere to and comply with Station Administrative Orders (SAO) and procedures. Both NSP-8 and TRAD-11 serve to control programs required to meet regulatory requirements. For NSP-8, Technical Specification 6.8.1.a requires that written procedures be established for activities identified within ANSI N18.7 and Regulatory Guide 1.33. Site security is one such activity. TRAD-11 defines examination requirements necessary to comply with 10 CFR 50.47 requirements to provide emergency response training to those individuals who may be called on to assist in an emergency. If necessary, deviation from approved procedures is authorized only to prevent injury to personnel, the public, or damage to the facility. In both events, station personnel did not fully follow the appropriate procedures pertaining to their job responsibilities.

In the first violation, a security force member exhibited poor judgment and inappropriate decision-making by failing to identify promptly to his management the temporary loss of a set of security keys used to allow access to Vital plant areas. The individual's decision to not immediately report the loss of the keys was based upon his knowledge that the required compensatory measures were already in effect at the time; however, a notification was still required. Nuclear Security Procedure NSP-8 states, in part, that "In the event that Protected and/or Vital area security keys are discovered lost or missing, a member of the security force, Shift Security Supervisor (SSS) or Senior Watch Supervisor (SWS) shall be contacted immediately and compensatory measures initiated immediately." Although a failure to appropriately notify the SSS and/or SWS had occurred, the keys were recovered where they were last used and the compensatory measures that would have been instituted were in effect as a result of an earlier, unrelated problem with the card reader system. Subsequent investigations conducted by Con Edison determined that the keys were out of security personnel possession for no more than 18 minutes. There was also no evidence of Vital area compromise or key duplication.

In the second violation, Emergency Planning staff members who were responsible for administering the Emergency Response Organization (ERO) training and scheduling requirements failed to adhere to the training interval requirement of their training procedures. The Emergency Planning Section is responsible for the development of the self-study examinations (i.e., Instructional Modules) and for administering its scheduling and distribution to the ERO members. In accordance with the Training Program Description, ERO individuals must be trained once every 15 months (includes 3 month grace period) and participate in a drill or exercise as either a player, controller or observer once every 2 years. Typically the ERO individuals are requested to complete their self-study examinations within 3 weeks. In addition, according to Training Administrative Directive 11, there must be a one-third difference in test items. Although no individuals were overdue on their examinations at the time of the NRC inspection, one individual had not participated in an Emergency Planning drill within the past 2 years, as required by the training program. Upon this discovery, that individual was immediately removed from the ERO. Con Edison then verified that there were no other ERO members who had not participated in a drill within the past 2 years.

Annual audits of the Indian Point Unit No. 2 Emergency Plan, procedures and drills are performed in conformance with 10 CFR 50, Appendix B, Criterion XVIII and Technical Specification 6.5.2.8.f. The last audit of the Emergency Preparedness Program evaluated the status of the Emergency Plan Training and Retraining program. Interviews were conducted with members of the Emergency Planning Section responsible for training the onsite and offsite organizations. Also, the audit team witnessed the performance of the emergency drill participants at the various emergency drill facilities as part of the audit's evaluation of the adequacy of the training program. A sample review of the training records indicated that annual retraining was current and that the records for individuals who underwent requalification were adequate. It is believed that because only a limited sampling of training records was reviewed during the audit, that concerns of the violation were not identified.

CORRECTIVE ACTION

Violation A.

Immediately upon being notified by the NRC inspectors of the security event on July 12, 1996, Con Edison security personnel performed an investigation into the circumstances of the incident, which had occurred in April of 1996. The investigation confirmed that the events had in fact occurred, as reported. As a result, an entry in the NRC Security Log was made. Further investigations into this specific incident identified that several security individuals had failed to comply with security procedures by not promptly notifying management and initiating the necessary compensatory measures. Although a failure to appropriately notify the SSS and/or SWS had occurred, the compensatory measures to be instituted were already in effect as a result of an earlier problem with the card reader system. Full compliance with the security plan was achieved when the keys were returned to another security member no more than 18 minutes later. However, no new compensatory measures were implemented because the loss of the keys was not reported to security management. Disciplinary action was taken against all the individuals involved. To prevent a repetition of this type of event, all security supervisors were re-instructed, during the Annual Supervisory Requalification Class, of their responsibilities for the notification of unusual occurrences. In addition, all security organization individuals were reminded of their responsibility to adhere to security procedures and to maintain high standards of self-reporting of errors. No additional training requirements are believed to be warranted at this time.

Violation B.

The Emergency Planning individuals responsible for administering the distribution of the self-study examinations received disciplinary action. No disciplinary actions are believed to be warranted to those ERO individuals who had exceeded their 15 month examination periods, since the primary responsibility for this matter resides within the Emergency Planning Section.

To prevent the recurrence of individuals with expired drill participation and/or examination requirements, an improved computer-based (Excel program) roster containing the current status of the training requirements for ERO personnel has been developed. In the past, a roster of this type did not exist. This roster will be continuously accessible to Emergency Planning Section personnel who are responsible for assuring that the requirements of the training program are met. In addition, Quality Assurance will include a review of this roster as part of their annual audit of the Emergency Preparedness Program, as well as an expanded sampling of the ERO individual training records.

To comply with training requirements, all Instructional Modules to be distributed after January of 1997 will be revised to have a one-third difference in their test questions. By April of 1997, Emergency Planning will distribute the Instructional Modules to ERO individuals prior to their re-qualification status becoming due at the end of the twelfth month.

Implementation of these corrective actions is intended to prevent a repetition of these types of events.