

November 12, 2004

Mr. Jay K. Thayer
Site Vice President
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
P.O. Box 0500
185 Old Ferry Road
Brattleboro, VT 05302-0500

SUBJECT: NRC EMERGENCY PREPAREDNESS PROGRAM - VERMONT YANKEE
INSPECTION REPORT 05000271/2004009; PRELIMINARY WHITE FINDING

Dear Mr. Thayer:

On October 12, 2004, the US Nuclear Regulatory Commission (NRC) completed an inspection of your Vermont Yankee Nuclear Power Station, which commenced during the week of July 26, 2004, with in-office review continuing until October 12, 2004. The enclosed inspection report documents the inspection findings, which were discussed with Mr. R. Wanczyk, Nuclear Safety Director, and other members on your staff, during exit meetings on July 30 and October 12, 2004.

The inspection examined activities conducted under your licensee as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. The inspector reviewed procedures and records, observed activities, and interviewed personnel.

This report discusses a finding that appears to have low to moderate safety significance. As described in Section 1EP2 of this report, this finding involved the failure to maintain your primary emergency preparedness alert notification system. This finding was assessed using the emergency preparedness significance determination process dated March 6, 2003, and was preliminarily determined to be white, i.e., a finding with some increased importance to safety, which may require additional NRC inspection. The finding was determined to have low to moderate safety significance because you did not have the means to provide early notification to the entire populace within the plume exposure pathway Emergency Planning Zone. Specifically, it was determined that Entergy did not properly assure the distribution and maintenance of tone alert radios, which are relied upon to alert the populace outside of siren coverage within the emergency planning zone. In your efforts to advertise the availability of the tone alert radios, you ultimately placed the onus on the individuals who needed the radios and not on your organization. This is contrary to our view of a "best effort" as denoted in FEMA design guidance and for what was accepted by FEMA and the NRC. Contributing to this finding was the fact that an accurate listing or registry of those residents who had or needed tone alert radios was not current. Thus, because of the lack of an updated registry, it could not be determined to what extent tone alert radios were needed within the emergency planning

zone and, therefore, there existed a level of uncertainty on how the system was to be maintained.

Your facility staff has implemented appropriate compensatory measures, and therefore the finding does not present an immediate safety concern. Your staff is continuing with long-term corrective measures.

The finding is also an apparent violation of NRC requirements and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's Web Site at <http://www.nrc.gov/what-we-do/regulatory/enforcement/enforce-pol.html>.

We believe we have sufficient information to make a final risk significance determination on this issue. However, before we make a final decision on this matter, we are providing you an opportunity to: (1) present to the NRC your perspectives on the facts and assumptions, used by the NRC to arrive at the finding and its significance, at a Regulatory Conference, or (2) submit your position on the finding to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. If a Regulatory Conference is held, it will be open for public observation. If you decide to submit only a written response, such submittals should be sent to the NRC within 30 days of the receipt of this letter.

Please contact Mr. Richard Conte at (610) 337-5183 within 10 business days of the date of receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision and you will be advised by separate correspondence of the results of our deliberations on this matter.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for this inspection finding at this time. In addition, please be advised that the characterization of the apparent violation described in the enclosed report may change as a result of further NRC review.

In addition, the report documents an NRC identified findings of very low safety significance (Green) which was a violation of NRC requirements. However, because of the very low safety significance and because it was entered into your corrective action program, the NRC is treating this finding as a non-cited violation (NCV) consistent with Section VI.A of the NRC Enforcement Policy. If you contest the NCV in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulator Commission, ATTN.: Document Control Desk, Washington DC 20555-0001; with copies to the Regional Administrator Region I; the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-001; and the NRC Resident Inspector at Vermont Yankee.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made 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

Mr. Jay K. Thayer

3

<http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). (Note: Public access to ADAMS has been temporarily suspended so that security reviews of publicly available documents may be performed and potentially sensitive information removed. Please check the NRC website for updates on the resumption of ADAMS access.)

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

**/RA by Brian E. Holian
Acting for**

Wayne D. Lanning, Director
Division of Reactor Safety

Docket No: 50-271
License No: DPR-28

Enclosure: Feeder for Vermont Yankee Inspection Report No. 05000271/2004009
w/Attachments

cc w/encl:

M. R. Kansler, President, Entergy Nuclear Operations, Inc.
G. J. Taylor, Chief Executive Officer, Entergy Operations
J. T. Herron, Senior Vice President and Chief Operating Officer
D. L. Pace, Vice President, Engineering
B. O'Grady, Vice President, Operations Support
J. M. DeVincentis, Manager, Licensing, Vermont Yankee Nuclear Power Station
Operating Experience Coordinator - Vermont Yankee Nuclear Power Station
J. F. McCann, Director, Nuclear Safety Assurance
M. J. Colomb, Director of Oversight, Entergy Nuclear Operations, Inc.
J. M. Fulton, Assistant General Counsel, Entergy Nuclear Operations, Inc.
S. Lousteau, Treasury Department, Entergy Services, Inc.
Administrator, Bureau of Radiological Health, State of New Hampshire
Chief, Safety Unit, Office of the Attorney General, Commonwealth of Mass.
D. R. Lewis, Esquire, Shaw, Pittman, Potts & Trowbridge
G. D. Bisbee, Esquire, Deputy Attorney General, Environmental Protection Bureau
J. Block, Esquire
J. P. Matteau, Executive Director, Windham Regional Commission
M. Daley, New England Coalition on Nuclear Pollution, Inc. (NECNP)
D. Katz, Citizens Awareness Network (CAN)
R. Shadis, New England Coalition Staff
G. Sachs, President/Staff Person, c/o Stopthesale
J. Snizek, PWR SRC Consultant
R. Toole, PWR SRC Consultant
D. Bell, RAC Chair, FEMA Region I
Commonwealth of Massachusetts, SLO Designee
State of New Hampshire, SLO Designee
State of Vermont, SLO Designee

Distribution w/encl: (Via E-mail)

- S. Collins, RA
- J. Wiggins, DRA
- C. Anderson, DRP
- D. Florek, DRP
- J. Jolicoeur, RI OEDO
- J. Clifford, NRR
- R. Ennis, PM, NRR
- V. Nerses, Backup PM, NRR
- D. Pelton, DRP, Senior Resident Inspector
- A. Rancourt, DRP, Resident OA
- T. Kim, Director, DOC
- Region I Docket Room (with concurrences)
- R. Kahler, NSIR/EPD
- S. LaVie, NSIR/EPD
- W. Lanning, DRS
- R. Crlenjak, DRS
- R. Conte, DRS
- D. Silk, DRS
- R. Bores, RI
- A. Howe, NRR
- R. Urban, ORA

DOCUMENT NAME: E:\Filenet\ML043180013.wpd

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/DRS		RI/DRS		RI/DRS		RI/DRP		RI/DRS	
NAME	DSilk/DMS		RConte/JJC		WSchmidt/WLS		CAnderson/CJA		WLanning/BEH for	
DATE	11/02/04		11/08/04		11/02/04		11/09/04		11/12/04	

OFFICIAL RECORD COPY

DOCUMENT NAME: g:\drs\seprpb\silk\vy04009rpt.wpd

After declaring this document "An Official Agency Record" it **will/will not** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI:ORA								
NAME	RUrban/RJU								
DATE	11/10 /04								

OFFICIAL RECORD COPY

U. S. NUCLEAR REGULATORY COMMISSION

REGION I

Docket No: 50-271

License No: DPR-28

Report No: 05000271/2004009

Licensee: Entergy Nuclear Vermont Yankee, LLC

Facilities: Vermont Yankee Nuclear Power Station

Location: Vernon, Vermont

Dates: July 26-30, 2004, and October 12, 2004

Inspector: David Silk, Senior Emergency Preparedness Specialist

Approved by: Richard J. Conte, Chief
Operational Safety Branch
Division of Reactor Safety

Enclosure

SUMMARY OF FINDINGS

IR 05000271-04-009; on 07/26/2004-07/30/2004 and 10/12/04; Vermont Yankee Nuclear Power Station; Alert and Notification System, Emergency Action Levels.

This announced inspection was conducted by a regional emergency preparedness inspector. One potentially greater than Green finding and one Green non-cited violation was identified. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter (IMC) 0609, "Significance Determination Process" (SDP). The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process," Revision 3, dated July 2000.

A. NRC-Identified Findings

Cornerstone: Emergency Preparedness (EP)

White (Preliminary). The inspector identified an apparent violation associated with emergency planning standard 10 CFR 50.47(b)(5) which has a low to moderate safety significance because the method of distributing tone alert radios to members of the public outside of siren coverage was not meeting the intent of the design basis for the alert and notification system.

The finding is greater than minor because this impacts the EP cornerstone attribute of facilities and equipment and it affects the cornerstone objective of ensuring that the licensee is capable of implementing adequate measures to protect the health and safety of the public in the event of a radiological emergency. The status of this finding will be finalized pending review of any additional information submitted to the NRC in response to this report. (1EP2)

Green. The inspector identified a non-cited violation associated with emergency planning standard 10 CFR 50.47(b)(2) which was of very low safety significance. Specifically, the licensee failed to assign continuous onshift responsibilities for reading the facility seismic monitoring system, thereby affecting the ability to timely classify a seismic event which exceeded the operating basis earthquake (OBE).

The finding is greater than minor because it is associated with the EP cornerstone attribute of procedure quality and affects the EP cornerstone objective to ensure the adequate protection of the public health and safety. (IEP4)

B. Licensee-Identified Findings

None

Report Details

3. REACTOR SAFETY

Emergency Preparedness (EP)

1EP2 Alert and Notification System (ANS) Testing

a. Inspection Scope

An onsite review of the licensee's ANS was conducted to ensure prompt notification of the public for taking protective actions. The inspector interviewed the siren system engineer and reviewed test records from 2003 and 2004 and associated condition reports (CRs) to determine if test failures were being immediately assessed and repaired and that sirens were being routinely maintained. The inspector reviewed the events and circumstances surrounding the July 20, 2004, Ames Hill transmitter failure which impacted the operability of the tone alert radios (TARs). The overall status of the TAR program was reviewed to ensure that the original ANS design criteria was still being met. The inspection was conducted in accordance with NRC Inspection Procedure 71114, Attachment 02, and the applicable planning standard, 10 CFR 50.47(b)(5) and its related 10 CFR 50, Appendix E requirements were used as reference criteria.

b. Findings

Introduction. An apparent violation (AV) associated with emergency planning standard 10 CFR 50.47(b)(5) was identified. The inspector determined that a performance deficiency existed in that the licensee did not have the means to provide early notification to those in the EPZ population who had, or desired to have, a TAR for areas lacking siren coverage. Specifically, the licensee did not have an active program in place to ensure that all residents outside of siren coverage and who needed a TAR were offered one. (The current method is passive in that it depends upon residents to take action to acquire a TAR.) New residents to the EPZ (outside of siren coverage) may not have had an opportunity to receive TARs and those who have already received TARs may not be aware of efforts to maintain the radios. These conditions do not meet the intent of the 1996 FEMA Final Report which accepted the licensee ANS design based upon the licensee's 1984 Final Analysis Report of the Alert and Notification Systems for Vermont Yankee EPZ. By not fulfilling the ANS design criteria, the licensee fails to satisfy planning standard 10 CFR 50.47(b)(5).

Description. During an inspection on July 26-30, 2004, the inspector determined that the licensee did not have a program to ensure that there was adequate distribution and maintenance of TARs, also known as weatheralert radios, for individuals within the EPZ who are outside of areas covered by sirens. Per the approved design report, the licensee was to maintain a list of TAR holders as well as those residents who refused. The inspector determined that the list of TAR holders was not current and there was no list of those who refused. According to the licensee's 1984 report, approximately 4500 TARs were distributed. (The emergency plan states approximately 5000.) As of the

Enclosure

time of the inspection, the licensee's data base indicated 3910 TARs being distributed throughout the EPZ. Based upon this distribution of TARS and data from the 2000 census, it can be estimated that at least 5.8% of the EPZ population may be without a means of being notified. This number was based upon two towns that solely rely on TARs. It should be noted that all towns within the EPZ, including those which do have sirens, need some TARs for areas outside of siren coverage. Therefore the 5.8% may be a minimum for the affected population within the EPZ and may be up to 8% of the population in EPZ.

Section 11.2 of the emergency plan list several methods of notification (radio, TV, sirens, TARs, mobile loudhailers), but refers to Appendix H of the emergency plan to provide details. Appendix H only refers to sirens and TARs. The other documents related to TARs are the 1984 report (that describes the alert and notification system) and the 1996 FEMA Report that accepted the licensee's 1984 report. The 1996 report implies that an ongoing "best effort" needs to be performed by the licensee to ensure that TARs are offered to new residents and that lists of TAR residents and refusals are maintained and updated. Ongoing maintenance efforts for the TARs was also expected.

According to the 1996 FEMA report, the tone alert radios are "the second portion of the primary public alert and notification systems." The report goes on to state the following:

"FEMA has developed guidelines, as described in FEMA-43, that should be followed to maintain an effective and continual alert and notification program utilizing tone alert radios. These guidelines are as follows:

- C The program should offer the tone alert radios to the public in geographical areas where needed and must make a "best-effort" attempt to place the radios. This program should include a record system (register) that contains an accurate list of addresses (names are optional) in geographical areas where tone alert radios are needed. Addresses where radios are offered to residents and refused by the residents should be noted.
- C A maintenance program offering operating checks should be available at least annually to all residences in areas where tone alert radios are needed. The maintenance program and the register program mentioned above may be integrated.

Distribution of the Weatheralert receivers is the overall responsibility of the Yankee Atomic Electric Company (Vermont Yankee); however, local officials in each community within the Vermont Yankee Nuclear Power Station EPZ using the receivers have assumed direct responsibility for distributing the receivers to the appropriate households. Communities within the Vermont Yankee Nuclear Power Station EPZ which use the Weatheralert receivers as their complete notification systems are: Chesterfield and Richmond, New Hampshire; Dummerston, Guilford, and Halifax, Vermont; and Gill, Leyden, and Warwick,

Enclosure

Massachusetts. The other communities use the Weatheralert receivers to fill areas not covered by sirens. As a result, approximately 4500 Weatheralert receivers were distributed to residences throughout the Vermont Yankee Nuclear Power Station EPZ. A member of each household signed an Equipment Loan agreement form in triplicate, a copy of which was retained by the utility, the town, and the recipient. The utility's copy of these forms was used by the Yankee Atomic Electric Company to develop a computer list register for each town indicating the name, address, and telephone number of the recipient and the serial number of the receiver. Names and addresses of individuals who refuse a Weatheralert receiver are also shown on the computer list. Each town has a responsible official who maintains an up-to-date copy of the computer list which is periodically returned to the Yankee Atomic Electric Company to use in updating its master copy."

The essential elements not met from the licensee's design basis commitments above in regards to implementing the planning standard were: 1) offering TARs to residents who move into the area; and, 2) having a current and complete recipient and denial registry of those specifically offered TARs and living within the Emergency Planning Zone (10 mile area). Once distributed and accounted for, there is a commitment to ensure that an annual maintenance check is performed (i.e., ensuring that the TARs are operational).

Analysis. The performance deficiency is that the licensee did not have the means to provide early notification to those in the EPZ population who had, or desired to have, a TAR for areas lacking siren coverage. Specifically, the failure to ensure an active distribution and maintenance process for the TARs is a performance deficiency that is greater than minor because this impacts the EP cornerstone attribute of facilities and equipment and it affects the cornerstone objective of ensuring that the licensee is capable of implementing adequate measures to protect the health and safety of the public in the event of a radiological emergency. The licensee did not have an active program reflecting commitments in the TAR design basis documents. This condition does not meet the intent of the 1996 Final FEMA Report which accepted the licensee's ANS based upon the 1984 report. By not fulfilling the ANS design criteria, the licensee did not meet risk significant planning standard (RSPS) 10 CFR 50.47(b)(5). This finding was processed using Inspection Manual Chapter 0609, Appendix B, "Emergency Preparedness Significance Determination Process," Sheet 1, "Failure to Comply," the finding was determined to have low to moderate safety significance because the non-compliance resulted in the RSPS being degraded, but not lost. A majority of the EPZ population remained protected by the sirens and a large percentage of TARs remained functional throughout the EPZ.

Enforcement. 10 CFR 50.54(q) requires that the facility licensee shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b). 10 CFR 50.47(b)(5) states in part that "...means to provide early notification and clear instruction to the populace within the plume exposure pathway emergency planning zone have been established." Emergency Plan Section 11.2, Public Notification, states that "Details of this system are provided in Appendix H." Appendix H states in part that "Vermont Yankee has completed the installation of the equipment necessary to meet the

Enclosure

requirements outlined in NUREG-0654 for alerting the public within the Vermont Yankee EPZ. The equipment consists of ...sirens... and approximately 5000 NWS Tone-Alert receivers.” Contrary to the above, the licensee had not ensured the means to provide early notification to those in the EPZ population who had, or desired to have, a TAR for areas lacking siren coverage. This is considered to be an apparent violation of 10 CFR 50.47(b)(5). This finding does not present an immediate safety concern because the licensee has informed the towns to be prepared to do route alerting to ensure that those residents outside of siren coverage are notified in the event of an emergency.
(AV 050000271/2004009-01)

Currently, the licensee preliminarily determined this issue to be of very low safety significance. Their position is based upon their perception that the issue is administrative in nature and also because they believe that all residents outside of siren coverage would be notified by TARs, radio, television, and word of mouth. The licensee has entered this issue into their corrective action process under CR-2004-2419. Long-term corrective actions include working with the towns to update TAR data bases and to formalize the process of tracking resident influx into the EPZ. The licensee is also planning to install new sirens and perform sound contour studies to update siren coverage areas.

1EP3 Emergency Response Organization (ERO) Augmentation Testing

a. Inspection Scope

An onsite review of Vermont Yankee’s ERO augmentation staffing requirements and the process for notifying the ERO was conducted to ensure the readiness of key staff for responding to an event and timely facility activation. The inspector reviewed ERO response activities (drills and actual events) in 2003 and 2004 and the associated CRs. The method of ensuring that the licensee meets on-shift staffing for the shift technical advisor position during outages was reviewed. The impact of planned security measures (moving the employee parking lot) was assessed regarding its impact on ERO augmentation. The inspection was conducted in accordance with NRC Inspection Procedure 71114, Attachment 03, and the applicable planning standard, 10 CFR 50.47(b)(2) and its related 10 CFR 50, Appendix E requirements were used as reference criteria.

b. Findings

No findings of significance were identified.

1EP4 Emergency Action Level (EAL) Revision Review

a. Inspection Scope

During this inspection, the inspector sampled licensee assessments for decreases in the effectiveness for recent changes to emergency preparedness documents. Also, a regional in-office review was conducted by the NRC of licensee-submitted revisions to several implementing procedures. A thorough review was conducted of emergency planning changes related to the risk significant planning standards (RSPS), such as classifications, notifications and protective action recommendations. A cursory review was conducted for non-RSPS portions. During the inspection, the inspector evaluated the associated 10 CFR 50.54(q) reviews to determine if the changes had decreased the effectiveness of the plan. The inspector sampled the licensee's capability to classify events related to radiation monitor readings and earthquakes. The inspection was conducted in accordance with NRC Inspection Procedure 71114, Attachment 04, and the applicable requirements in 10 CFR 50.54(q) were used as reference criteria.

b. Findings

Introduction. A Green, non-cited violation associated with emergency planning standard 10 CFR 50.47(b)(2) was identified. Specifically, the licensee failed to assign continuous onshift responsibilities for reading the facility seismic monitoring system, thereby affecting the ability to classify a seismic event which may have exceeded the operating basis earthquake (OBE) in a timely manner.

Description. The EAL for an earthquake (A-5-c) requires the declaration of an alert if the OBE limit has been exceeded. The seismic monitoring system is located in the control room. However, a qualified Instrument and Control (I&C) technician is required to read the data regarding the magnitude of the earthquake. A qualified I&C technician is not continuously assigned onshift at the facility, and is therefore not immediately available during off-normal working hours.

The EAL reads as follows:

Earthquake exceeds the OBE or minor damage to non-nuclear safety class equipment.

Note: See OP 3127, Appendix A "Seismic Damage Indicator Walkdown Check Sheet - SDI List 1 (NNS Components).

If an earthquake has occurred onsite, OP 3127 directs operators to the EALs. It likewise directs operators to the EALs if equipment damage was found while performing the equipment walkdown in Appendix A. It then states, "If not already performed, request I/C Engineering check the seismic monitor work station per Appendix A, Seismic Event Data Retrieval, of OP 4369, Seismic Monitoring System Functional Test, to determine if an Operating Basis Earthquake (OBE) was exceeded."

Enclosure

According to the EAL basis, there is a possibility that an earthquake could exceed the OBE and not cause damage to plant equipment. It says "...if actual damage is noted during the performance of the SDI walkdown (related or unrelated to the SDI walkdown) or the OBE limits were exceeded, then this EAL should be entered regardless of whether or not damage was observed to SDI components listed in list 1." According to the licensee, an I&C technician qualified to read the seismic instrumentation is not onshift during off-normal hours and would need to be called-in. (Operators are not qualified to do this task.)

Although the regulations do not provide an explicit time limit for classifying emergencies, they do imply that classification should be made without delay. A 15-minute guideline was established as a reasonable amount of time to classify an event. Also, licensees are expected to have adequate personnel available at all times to assist the shift crew in implementing the licensee's emergency plan. Information Notice 85-50, "Timely Declaration of an Emergency Class, Implementation of an Emergency Plan, and Emergency Notifications," states that "it is the licensee's responsibility to ensure that adequate personnel, knowledgeable about plant conditions and emergency plan implementing procedures, are available on shift to assist the shift supervisor to classify an emergency and activate the emergency plan, including making appropriate notifications, without interfering with plant operation." Thus, it is expected that staff resources are readily available to focus on the evaluation of conditions against the plant's EALs.

The inspector concluded that during off-normal working hours, the licensee would not be able to assess in a timely manner the level of seismic activity, which could delay the declaration of an alert.

Analysis. The failure to assign adequate staffing to perform an emergency response organization function is a performance deficiency that is more than minor because it is associated with the cornerstone attribute of response readiness and it affects the EP cornerstone objective to ensure the adequate protection of the public health and safety. The finding involved the failure to ensure adequate staffing was assigned to be available to implement emergency action levels in a timely manner. When processed through the EP Significance Determination Process (SDP) in Appendix B of IMC 0609, Sheet 1 Failure to Comply, the finding was found to have very low safety significance because it was only a degradation in the ERO onshift staffing, therefore, did not represent a planning standard functional failure. The inspector identified this finding while questioning the ability of control room personnel to receive necessary information to implement a sampling of EALs.

Enforcement. 10 CFR 50.54(q) provides, in part, 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 50.47(b)..." 10 CFR 50.47(b) requires that the onsite emergency response plans for nuclear power reactors meet each of 16 planning standards, of which, 10 CFR 50.47(b)(2), in part: "On-shift facility responsibilities for emergency response are unambiguously defined, adequate staffing to provide initial facility accident response in key functional areas is maintained at all times..." Contrary

Enclosure

to this, the licensee failed to maintain continuous onshift staffing to be able to read the facility seismic monitoring system. Failure to be able to read the system during or immediately following a seismic event would prevent timely implementation of the emergency plan and is a violation. Because the finding was determined to be of very low safety significance and was entered into the corrective action program as CR-2004-2420, this violation is being treated as a Non-Cited Violation, consistent with Section VI.A of the NRC enforcement Policy. **(NCV 050000271/2004009-02)**

1EP5 Correction of Emergency Preparedness Weaknesses and Deficiencies

a. Inspection Scope

The inspector reviewed CRs initiated by Vermont Yankee from drills, tests, self-assessments, and actual events and the associated corrective actions to determine the significance of the issues and to determine if repeat problems were occurring. A list of CRs are contained in an attachment to this report. Also, the 2002 and 2003 audit reports were reviewed to assess Vermont Yankee's ability to identify issues, assess repetitive issues and the effectiveness of corrective actions through their independent audit process. In addition, the inspector reviewed several self-assessment reports to assess the licensee's ability to be self critical and to make program improvements. A list of self-assessment reports are contained in an attachment to this report. This inspection was conducted according to NRC Inspection Procedure 71114, Attachment 05, and the applicable planning standard, 10 CFR 50.47(b)(14) and its related 10 CFR 50, Appendix E requirements were used as reference criteria.

b. Findings

No findings of significance were identified.

4. **OTHER ACTIVITIES [OA]**

4OA1 Performance Indicator (PI) Verification (71151)

a. Inspection Scope

The inspector reviewed the licensee's procedure for developing the data for the EP PIs which are: (1) Drill and Exercise Performance (DEP); (2) ERO Drill Participation; and (3) ANS Reliability. The inspector also reviewed the licensee's 2003/2004 drill/exercise reports, training records and ANS testing data to verify the accuracy of the reported data. Data generated since the August 2003 EP PI verification was reviewed during this inspection. The review was conducted in accordance with NRC Inspection Procedure 71151. The acceptance criteria used for the review were 10 CFR 50.9 and NEI 99-02, Revision 1, Regulation Assessment Performance Indicator Guideline.

b. Findings

No findings of significance were identified.

40A6 Meetings, including Exit

On July 30, 2004, the inspector presented the results to this licensee staff in a preliminary exit. At that time, there were two unresolved items. On October 12, 2004, the NRC re-exited with Mr. R. Wancyk, Nuclear Safety Director, and other members of your staff, via a conference call indicating the preliminary resolution of those items. The licensee had no objections to the NRC's observations. The inspector confirmed that proprietary information was not provided or examined during the inspection.

ATTACHMENT

SUPPLEMENTAL INFORMATION

KEY POINTS OF CONTACT

Licensee Personnel

C. Canty, Emergency Preparedness Assistant
M. Empy, Senior Planner/Drill and Exercise Coordinator
R. January, Siren Project Manager
P. Perez, Senior Engineer
L. Tkaczyk, Emergency Preparedness Manager
A. Williams, Emergency Preparedness Onsite Coordinator

LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

Opened/Closed

05000271/2004009-01	AV	Failure to ensure the means to provide early notification to those in the EPZ population who had, or desired to have, a TAR for areas lacking siren coverage.
05000271/2004009-02	NCV	Failure to assign continuous onshift capability to read the facility seismic monitoring system for emergency classification purposes.

Discussed

None

LIST OF DOCUMENTS REVIEWED

Section 1EP2: Alert and Notification System (ANS) Testing

Final Analysis Report of the Alert and Notification Systems for the Vermont Yankee Emergency Planning Zone, February 1984
Vermont Yankee Nuclear Power Station Site-Specific Offsite Radiological Emergency Preparedness Alert and Notification System Quality Assurance Verification, June 1996
Vermont Yankee EPZ Public Notification System Maintenance Procedures, 11/02
Vermont Yankee EPZ Public Notification System (11/02)
CR-VTY-2004-02325, Ames Hill Transmitter Outage - Vendor Failure to Report
AP 0156, Notification of Significant Events, Rev 25

Enclosure

Section 1EP3: Emergency Response Organization (ERO) Augmentation Testing

Data from 7/21/03 Call-in Drill (Actual ERO response to site)
Data from 12/04/03 Annual Communications Drill (ERO calls in with ETAs)

Section 1EP4: Emergency Action Level (EAL) Revision Review

Vermont Yankee Emergency Plan, Rev 39
OP 3504, Emergency Communications, Rev 37, 38
OP 3505, Emergency Preparedness Exercises and Drills, Rev 26
OP 3506, Emergency Equipment Readiness Check, Rev 46
OP 3508, On-Site Medical Emergency Procedure, Rev 24 LPC#2
OP 3510, Off-Site and Site Boundary Monitoring, Rev 28
OP 3511, Off-Site Protective Action Recommendations, Rev 14 & LPC#1
OP 3513, Evaluations of Off-Site Radiological Conditions, Rev 23
OP 3525, Radiological Coordination, Rev 12
OP 3531, Emergency Call-In Method, Rev 18
OP 3533, Post Accident Sampling of Reactor Coolant, Rev 6 LPC#3
OP 3535, Post Accident Sampling and Analysis of Primary Containment, Rev 4 LPC#1
OP 3540, Control Room Actions During an Emergency, Rev 4 & LPC#2, Rev 5
OP 3541, Activation of the Technical Support Center, Rev 2 LPC#2
OP3542, Operation of the Technical Support Center, Rev 3
OP 3544, Operation of the Operations Support Center, Rev 4
OP3546, Operation of the Emergency Operations Facility/Recovery Center, Rev 5 & LPC#2

Section 1EP5: Correction of Emergency Preparedness Weaknesses and Deficiencies

CR-VTY-2004-02074, Failure to Make Time Notification of the States upon Declaration of the Unusual Event on 6/18/04
Apparent Cause Evaluation Report (CR-VTY-2004-2005)
Quality Assurance Custom Surveillance Report VYNPS Report No: SRVY 2002-023
Quality Assurance Custom Surveillance Report VYNPS Report No: SRVY 2003-046

Section 4OA1Performance Indicator (PI) Verification

DP0093, Emergency Planning Data Management, Rev 3

LIST OF ACRONYMS

ANS	Alert and Notification System
AV	Apparent Violation
CR	Condition Report
DEP	Drill and Exercise Performance
EAL	Emergency Action Level
EP	Emergency Preparedness
EPZ	Emergency Planning Zone
ERO	Emergency Response Organization
FEMA	Federal Emergency Management Agency
NWS	National Weather Service
PI	Performance Indicator
RSPS	Risk Significant Planning Standard
TAR	Tone Alert Radio