

November 5, 2002

Mr. Fred Dacimo
Vice President - Operations
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Units 1 & 2
295 Broadway, Suite 1
Post Office Box 249
Buchanan, NY 10511-0249

SUBJECT: INDIAN POINT ENERGY CENTER - NRC EVALUATED EMERGENCY
PREPAREDNESS EXERCISE - INSPECTION REPORT NO. 50-247/02-012

Dear Mr. Dacimo:

The enclosed report documents an inspection at the Indian Point Energy Center, which evaluated the performance of your emergency response organization during the September 24, 2002, full-participation exercise and the post-exercise critique as specified in the reactor oversight program. Also during this period, inspectors reviewed the emergency preparedness performance indicators. The inspectors discussed the findings of this inspection with Mr. Herron and other members of your staff at the exit meeting on September 26, 2002.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the inspectors identified one issue of very low safety significance (green). This issue was determined to involve 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 issue as a Non-Cited violation, in accordance with Section VI.A.1 of the NRC's Enforcement Policy. If you deny this non-cited violation, you should provide a response with the basis for your denial, within 30 days of the date of this inspection report, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Region I, the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Resident Inspector at the Susquehanna facility.

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/reading-rm/ADAMS.html> (the Public Electronic Reading Room).

Mr. Fred Dacimo

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Should you have any questions regarding this report, please contact me at (610) 337-5183.

Sincerely,

/RA/

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

Docket No: 50-247
License No: DPR-26

Enclosure: Inspection Report No. 50-247/02-012

cc w/encl:

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M. Kapolwitz, Chairman of County Environment & Health Committee
A. Reynolds, Environmental Advocates
M. Jacobs, Director, Longview School
D. Katz, Executive Director, Citizens Awareness Network
P. Gunter, Nuclear Information & Resource Service
P. Leventhal, The Nuclear Control Institute
K. Copeland, Pace Environmental Litigation Clinic
R. Witherspoon, The Journal News

Mr. Fred Dacimo

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U. S. NUCLEAR REGULATORY COMMISSION

REGION I

Docket No: 50-247

License No: DPR-26

Report No: 50-247/02-012

Licensee: Entergy Northeast

Facility: Indian Point Energy Center

Dates: September 23 - 27, 2002

Inspectors: D. Silk, Senior Emergency Preparedness Inspector, DRS (Lead)
L. James, Resident Inspector, Indian Point Unit 2, DRP
J. Laughlin, Reactor Engineer, DRS
J. McFadden, Radiation Specialist, DRS

Observers: R. Kahler, Emergency Preparedness Specialist, NRR
P. Milligan, Emergency Preparedness Specialist, NRR
D. Schneck, Emergency Preparedness Specialist, NRR
P. Habighorst, Senior Resident Inspector, Indian Point Unit 2, DRP
B. Holian, Deputy Director, DRP
M. Cox, Resident Inspector, Indian Point Unit 3, DRP
M. Salter-Williams, Reactor Engineer, Branch 2, DRP

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

SUMMARY OF FINDINGS

IR 05000247/02-012; Entergy Northeast; 09/23-27/2002; Indian Point Energy Center; Emergency Preparedness Exercise Evaluation.

This inspection was conducted by region based and resident inspectors as well as observers from headquarters. A Green non-cited violation was identified. The safety significance of the finding is indicated by its color using IMC 0609, "Significance Determination Process". 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. Inspector Identified Findings

Cornerstone: Emergency Preparedness

Green. During the emergency plan exercise conducted on September 24, 2002, the licensee JNC personnel proceeded with a 1:55 p.m. press conference informing the media that no release was in progress when, according to the exercise events, a release had begun just prior to the press conference. This information was not in conflict with the emergency alert system message that was in effect at the time of the briefing. However the failure to provide updated information could cause confusion for those receiving it through the media. This failure was a previously identified weakness as documented in Drill Critique Reports and in condition reports. This is a non-cited violation of 10 CFR 50 Appendix E Section IV.F.2.g which requires, in part, that weaknesses or deficiencies that are identified during a drill or exercise shall be corrected.

The risk associated with this release of incorrect information was determined to be of very low significance because it does not constitute a loss of function in meeting the applicable planning standard (10 CFR 50.47(b)14).

B. Licensee Identified Findings

None

Report Details

1. REACTOR SAFETY

Cornerstone: Emergency Preparedness (EP)

1EP1 Exercise Evaluation

a. Inspection Scope

During the September 24, 2002, exercise, the inspectors reviewed and assessed:

- Exercise objectives and the scenario to determine if the Indian Point exercise would test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications network, test portions of the public notification system, and ensure that emergency organization personnel are familiar with their duties as required by 10 CFR 50 Appendix E.IV.F.2.
- The licensee's biennial full-participation exercise performance by primarily focusing on the implementation of the risk-significant planning standards (RSPS) in 10 CFR 50.47 (b) (4), (5), (9) & (10) which are emergency classification, offsite notification, radiological assessment, and protective action recommendations (PARs), respectively.
- Other performance areas besides the RSPS, such as, the emergency response organization's (ERO) recognition of abnormal plant conditions, command and control, intra- and inter-facility communications, prioritization of mitigation activities, utilization of repair teams and field monitoring teams, interface with offsite agencies, and the overall implementation of the emergency plan and implementing procedures.
- The overall adequacy of the licensee's emergency response facilities and their implementation of NUREG-0696, Functional Criteria for Emergency Response Facilities, and emergency plan commitments. The facilities assessed were the simulator control room (SCR), technical support center (TSC), the operations support center (OSC), emergency operations facility (EOF), and the joint news center (JNC).
- Past performance issues from NRC inspection reports and licensee drill reports to determine effectiveness of corrective actions as demonstrated during this exercise to ensure compliance with 10CFR50.47(b)(14) and Appendix E.IV.F.2.g.
- The post-exercise critique to evaluate the licensee's self-assessment of their ERO performance during the exercise and to ensure compliance with 10CFR50 Appendix E.IV.F.2.g.

b. Findings

Introduction

The licensee failed to correct a previously identified condition associated with the dissemination of timely and accurate information from the JNC. The failure to correct a previously identified condition is a violation of 10 CFR 50 Appendix E Section IV.F.2.g which requires, in part, the correction of weaknesses or deficiencies that are identified during a drill or exercise. This issue was found to be of very low safety significance (Green) because it did not represent a loss of function in meeting planning standard 10 CFR 50.47(b)(14) and its related Appendix E requirement as noted above.

Description

In implementing the above noted NRC requirements, the Emergency Plan, Part 2, Section B.11, Information Dissemination, states that it is the responsibility of personnel assigned to the JNC to assure that only factual and consistent information is released concerning the emergency. Also, the JNC director will be responsible for providing accurate and timely information to the public through the news media. During the emergency plan exercise conducted on September 24, 2002, the licensee JNC personnel proceeded with a 1:55 p.m. press conference informing the media that no release was in progress when, according to the exercise events, a release had begun just prior to the press conference. Spokespersons from the licensee, the counties and the state had just finished a briefing to prepare for the press conference and were on their way to the stage when confirmation of a radiological release was received by the radiological advisor in the JNC. This information was not in conflict with the emergency alert system message that was in effect at the time of the briefing. However the failure to provide updated information could cause confusion for those receiving it through the media.

This issue of handling press conferences that are in progress when a significant change in plant status occurs was previously identified in the August 15, 2001 Emergency Preparedness Training Drill Report. Also, the October 10, 2001, Emergency Preparedness Training Drill Report indicated that some media briefings contained incorrect information. Furthermore, during the June 1, 2000, NRC evaluated exercise, the NRC observed that briefings and press releases were inconsistent and contained inaccurate information.

Analysis

The performance deficiency was the licensee's failure to correct a previously identified condition associated with the dissemination of timely and accurate information from the JNC contrary to 10 CFR 50 Appendix E Section IV.F.2.g which requires, in part, the correction of weaknesses or deficiencies that are identified during a drill or exercise. The performance deficiency is not subject to traditional enforcement because the issue did not have any actual safety consequences or potential for impacting the NRC's regulatory function, and was not the result of any willful violation of NRC requirements. The performance is more than minor because it represented an uncorrected condition in

implementing standards for timeliness and accuracy of JNC operations (thereby affecting the Emergency Planning cornerstone attribute of ERO performance).

Accordingly, the performance deficiency is evaluated using Manual Chapter 0609 Appendix B, Emergency Preparedness Significance Determination Process since the finding is associated with a failure to meet or implement a regulatory requirement. In MC 0609 Appendix B sheet 1, the third column is used. There was no failure to meet a planning standard (10 CFR 50.47(b)(14)) because the uncorrected condition does not represent a loss of function for the applicable planning standard. Accordingly, the finding is of very low safety significance (Green).

Enforcement

10 CFR 50 Appendix E Section IV.F.2.g requires, in part, that weaknesses or deficiencies that are identified during a drill or exercise shall be corrected. In this regard, the licensee failed to correct a previously identified condition associated with the timely and accurate dissemination of information from the JNC. This violation is being treated as a non-cited violation in accordance with NRC Enforcement Policy and has been entered into the licensee's corrective action programs as condition report CR-IP2-2002-08773. **(NCV 05000247/2002-012-01)**

4. OTHER ACTIVITIES (OA)

OA1 Performance Indicator (PI) Verification

a. Inspection Scope

The inspectors reviewed the licensee's process for identifying and collecting data that is utilized to determine the values for the three PIs associated with the EP Cornerstone:

- Drill and Exercise Performance
- ERO Drill Participation, and
- Alert and Notification System Reliability.

Since the EP PIs were last reviewed during an inspection in June 2001, this review assessed data and records from that time which included results from the second, third and fourth quarters of 2001 and the first two quarters of 2002. Records included drill reports, documents generated during drills or exercises, and attendance records. (Siren testing documentation and PI data were reviewed in June 2002 for the site and the results were documented in Inspection Report 50-286/02-004.) The review was conducted on site in accordance with NRC Inspection Procedure 71151. The acceptance criteria are 10 CFR 50.9 and NEI 99-02, Revision 2, Regulation Assessment Performance Indicator Guideline.

b. Findings

No findings of significance were identified.

40A2 Identification and Resolution of Problems

a. Inspection Scope

The inspectors reviewed licensee findings (EP drill reports) for approximately the past year pertaining to drills, and the last two NRC evaluated exercise reports to determine if significant performance trends exist and to determine the effectiveness of licensee corrective actions based upon ERO performance during the exercise. The inspectors verified that issues identified during this exercise were entered into the licensee's corrective action program and are listed in the attachment.

b. Findings

No findings of significance were identified in this area.

40A6 Meetings, including Exit

The inspectors presented the inspection results to Mr. John Herron, Mr. Fred Dacimo, and other members of the licensee's staff at the conclusion of the inspection on September 26, 2002. The licensee had no objections to the NRC findings or observations. No proprietary information was provided to the inspectors during this inspection.

KEY POINTS OF CONTACT

Licensee

F. Inzirillo, Manager, Emergency Preparedness

LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

05000247/2002-012-01 NCV Failure to correct previously identified condition in the JNC regarding the timely and accurate dissemination of information

Closed

None

Discussed

None

LIST OF DOCUMENTS REVIEWED

Indian Point Energy Center Emergency Plan and Implement Procedures
Emergency Preparedness Training Drill Reports for:

August 15, 2001	April 10, 2002
October 10, 2001	May 1, 2002
January 30, 2002	June 6, 2002
February 27, 2002	September 5, 2002

EP-AD-06, Rev 3, EP Self-Assessment and Performance Indicator Program

LIST OF ACRONYMS

EOF	Emergency Operations Facility
EP	Emergency Preparedness
ERO	Emergency Response Organization
JNC	Joint News Center
OSC	Operations Support Center
PAR	Protective Action Recommendation
RSPS	Risk Significant Planning Standard
SCR	Simulator Control Room
TSC	Technical Support Center

CONDITION REPORTS GENERATED FROM THE EXERCISE

- CR-IP2-2002-08771 Two data display systems (EDDS and PICS) did not provide consistent information during the exercise
- CR-IP2-2002-08772 Exercise control and conduct issues
- CR-IP2-2002-08773 Formulation and dissemination of timely and accurate information to offsite agencies and the public at the joint news center
- CR-IP2-2002-08774 Performance issues identified during the post exercise critique
- CR-IP2-2002-08775 Accountability procedures for Unit 2 and Unit 3 are inconsistent with each other oh the implementation of the process