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NRC ISSUES NOTICE OF VIOLATION TO ENTERGY NUCLEAR FOR MISSING ANOTHER DEADLINE TO HAVE NEW INDIAN POINT ALERT AND NOTIFICATION SYSTEM IN OPERATION

The Nuclear Regulatory Commission has issued a Notice of Violation to Entergy for its repeated failure to meet established deadlines to achieve operability of a new alert and notification system for the Indian Point nuclear power plant. Entergy operates the plant, which is located in Buchanan (Weschester County), N.Y.

The NRC's July 30, 2007, order required Entergy to complete installation and testing of the new alert and notification system, and receive Federal Emergency Management Agency (FEMA) approval, prior to an Aug. 24, 2007, deadline, to declare the new Emergency Notification System (ENS) operable. In an Aug. 23rd letter to NRC, Entergy wrote that it has completed all pre-operability activities required by NRC's Order for the new ENS but has not received FEMA's approval.

Therefore, the NRC has entered its enforcement process to determine the appropriate enforcement actions against Entergy. In a letter issued today to Entergy, the NRC stated that it is considering imposing daily civil penalties for Entergy's failure to meet the August 24, 2007, deadline. The NRC also stated that it will determine the final enforcement action after Entergy comes into compliance and will consider Entergy's due diligence in resolving this matter with FEMA. The NRC believes that Entergy's principle focus should be on supporting the FEMA review of the new ENS.

Indian Point's existing siren system has been maintained and tested, and remains operable, providing reasonable assurance that the public would be alerted in the event of a radiological emergency at the plant.

"Unfortunately, Entergy has missed another NRC-mandated deadline to have the new Emergency Notification System operable," NRC Director of Enforcement Cynthia Carpenter said. "This is the second violation of an NRC Order and warrants escalated enforcement action. As such, we are considering imposing daily civil penalties until Entergy comes into compliance with NRC's orders."

The NRC first issued a Confirmatory Order in January 2006 requiring the installation of back-up power for the siren system at Indian Point by Jan. 30, 2007, in response to a provision in the

Energy Policy Act of 2005. Entergy, in January 2007, requested and received an extension but missed that deadline of April 15, 2007. The NRC denied a second extension and fined the company \$130,000 for missing the deadline.

The Energy Policy Act included a provision directing the NRC to require nuclear power plants with high local population densities to have back-up power for their emergency notification systems, including sirens. Indian Point is the only nuclear plant that fell within the requirement. To address the resulting NRC order, Entergy decided to install a new siren system.

Like other U.S. commercial nuclear power plants, Indian Point is required to have an ENS within the 10-mile-radius emergency planning zone around the facility. An outdoor warning system, it is designed to promptly notify the public should a serious incident occur at the plant so that citizens can listen to emergency broadcast stations for information and instructions. The existing system meets this requirement; however, it does not have the capability to sound during an electrical power outage as the new system does. Currently, in the event of an electrical power outage, notification would be made through route alerting.

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