

Stephen B. Bram
Vice President

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February 8, 1988

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

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: Inspection Report No. 50-247/87-32

This letter refers to inspection No. 50-247/87-32 conducted by Mr. Lawrence W. Rossbach and Mr. Peter W. Kelley of the NRC from November 3 to November 30, 1987 at Indian Point Unit 2. That report contained two Notices of Violation.

Your January 8, 1988 letter stated that it appears that certain of our activities with regard to procedures for use of post-fire jumper cables and with regard to a radioactivity survey, were not conducted in compliance with NRC requirements, as set forth in the Notice of Violation enclosed therewith as Appendix A.

With respect to violation A, we acknowledge that fact-specific determinations made by the Company regarding Appendix R procedural requirements permitted the observations noted in your January 8 letter. With respect to violation B, we believe that in accordance with the standards set forth in Section V.A. of Appendix C to 10 CFR Part 2, and the actions taken by the Company in connection with this matter, a Notice of Violation is not merited. Accordingly, we respectfully request that the NRC review the circumstances regarding this violation as set forth in the Attachment to this letter and if it finds Con Edison's activities consistent with Appendix C, that violation B be rescinded.

The circumstances related to each violation, together with corrective actions and date of implementation to preclude their recurrence are set forth in the Attachment.

Should you or your staff have any questions, please contact us.

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Very truly yours,

Stephen B. Bram

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cc: Mr. Edward C. Wenzinger, Chief
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U.S. Nuclear Regulatory Commission
P.O. Box 38
Buchanan, NY 10511

February 8, 1988

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ATTACHMENT

RESPONSE TO NOTICE OF VIOLATION

Violation

A. 10 CFR 50.48 requires that the capability be provided to achieve and maintain cold shutdown in the event of a fire in accordance with Section III.G of 10 CFR 50 Appendix R. Fires in the RHR cubicle are covered by this requirement. Section III.L.5 of Appendix R requires procedures to be implemented covering compensatory repairs required to achieve cold shutdown.

Technical Specification 6.8.1 requires that procedures be established and maintained covering the recommendations of Appendix F of Regulatory Guide 1.33. Section F of Appendix A of Regulatory Guide 1.33 includes procedures for combating emergencies and other significant events.

Contrary to the above, on August 29, 1987, the use of a jumper cable as a compensatory measure to supply power to RHR pump No. 22 to achieve cold shutdown conditions had not been incorporated into plant procedures.

This is a Severity Level V Violation (Supplement I).

Response

In a letter dated August 12, 1987, we informed your office that the configuration of normal power electric cables for Residual Heat Removal (RHR) Pump No. 22 was not accurately described in our January 10, 1983 Fire Protection Program submittal. In that submittal we stated that the normal power supply for the RHR Pump No. 22 was routed through the sump pump room (i.e. Zone 3A), before entering the RHR Pump No. 22 room. However, based upon a field inspection of the area in late 1985, we discovered that the normal power supply cables for RHR Pump No. 22 were routed through the RHR Pump No. 21 room in conduit and not outside the room. With this condition existing, it is conceivable that both pumps, either one of which is required to achieve post-fire cold shutdown, could be rendered inoperable. Since there were no provisions for contingency repairs covering a fire in this room, the requirements of Appendix R, Section III. L.5 were not being met. Our plans for correcting this non-conforming condition were outlined on our August 12 letter as follows:

- 1) Provide the necessary fire barrier protection to the RHR Pump No. 22 normal power supply cables by enclosing them in a 3-hour fire rated barrier material for the entire conduit length within the RHR Pump No. 21 room (the barrier material was scheduled to be installed by January 30, 1988);

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RESPONSE TO NOTICE OF VIOLATION

(Continued)

- 2) As an interim measure, use existing pre-lugged casualty cables for RHR Pump No. 22 if the normal power supply was lost due to a fire in the RHR Pump No. 21 room. These cables were stored on a reel on the 98 foot elevation in the Primary Auxiliary Building.

With regard to the specific observations set forth in the Notice of Violation, we had considered and concluded that the referenced procedure changes were not merited when we initially informed your office of the problem on August 12, 1987. Although Section III.L.5 of Appendix R requires procedures to be in effect to implement any repairs necessary to achieve cold shutdown, it was our determination that the following three factors provided the basis for not implementing a pre-fire contingency procedure for this particular instance:

1. Considering the 72 hours available for making contingency repairs to a fire damaged RHR Pump power feeder, it was believed that there would be sufficient time to prepare the necessary repair procedure at the time of an actual fire.
2. Certain key plant personnel (i.e. the System Engineer and the Manager, Fire, Safety and Security) were aware that the casualty cables were available in the PAB. In the event of an actual fire requiring the use of the casualty cables, either of these persons would have been available to provide direction in making the necessary repairs.
3. The non-conforming condition was scheduled to be corrected during the upcoming refueling outage by installation of a 3-hour fire rated barrier, which precludes the need for a post fire repair altogether.

Nevertheless, as a result of the Resident Inspector's finding described in the Notice of Violation, a Temporary Procedure Change (TPC 87-57) was issued immediately. Full compliance with Appendix R, Section III.L.5 was achieved upon it's issuance. Additionally, a fire watch was established for the affected zone as an added precaution.

On December 31, 1987, a 3-hour fire rated barrier was installed on the RHR Pump No. 22 power cable in RHR Pump No. 21 room under modification procedure No. CFN87-62063, W.O. No. 87-32524. Completion of this modification provided a permanent fix to the problem and the interim measures (i.e. the casualty cable, TPC and fire watch) were subsequently discontinued.

In light of the inspectors finding, we recognize the need to fully document procedural deviations from regulatory requirements and to make any necessary requests for relief from such requirements directly with the NRC Staff. In order to ensure that this happens, those Con Edison personnel involved in the preparation, review and submittal of documents to the NRC have been reminded to maintain cognizance of direct or indirect procedural requirements that may be associated with NRC requirements and either assure procedure changes are properly initiated or provide the necessary justification as to why procedures need not be revised. We believe that by taking this corrective action, recurrence of the violation will be precluded.

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RESPONSE TO NOTICE OF VIOLATION
(Continued)

Violation

B. 10 CFR 20.201 (b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a) "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, no surveys were made to establish that licensed material was not inadvertently disposed of in a manner other than authorized by 10 CFR 301, which describes authorized means of disposing of licensed material contained in trash waste. Specifically, on November 27, 1987, no surveys were made on trash dumpster prior to its release from the site. The dumpster contained three timbers, contaminated with approximately 65 millicuries of Cobalt-58.

This is a Severity Level IV Violation (Supplement IV).

Response

Con Edison agrees that this event occurred as described, although the actual estimated activity contained on the timbers totaled only 1/1000 of the amount set forth in the Notice of Violation.

Moreover, 10 CFR Part 2, Appendix C, Paragraph V.A., states that the NRC will not generally issue a notice of violation for a violation that meets all of the following criteria:

- a. It was identified by the licensee;
- b. It fits in Severity Level IV or V;
- c. It was reported, if required;
- d. It was or will be corrected, including measures to prevent recurrence, within a reasonable time; and
- e. It was not a violation that could reasonably be expected to have been prevented by the licensee's corrective action for a previous violation.

We believe this event satisfies these Appendix C criteria thereby meriting rescission of the Notice of Violation. Our review of the criteria is as follows:

- a. This event was identified by Con Edison to the NRC Resident Inspector within 30 minutes of occurrence as documented in SOR#87-600.

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RESPONSE TO NOTICE OF VIOLATION
(Continued)

- b. The NRC subsequently identified the event as Severity Level IV violation even when it erroneously estimated radioactivity at approximately 1000x actual.
- c. Formal reporting of this event to the NRC was not required.
- d. Immediate actions were taken to prevent recurrence, including initiating a program for direct surveying of all clean waste dumpsters and locking of the area where the radioactive material was stored and manning the entrance to the area with a Health Physics technician when it was open.
- e. The event is unrelated to any previous violations at the station. Subsequent discussion with personnel at the Charles Point trash burning electrical generating facility indicated that several hundred shipments have been sent to the facility without any indication of detectable radioactivity levels.

For the foregoing reasons, Con Edison believes that this event and the Company's response to it, meet the 10 CFR Part 2, Appendix C, Section V.A. criteria, and respectfully requests that the NRC rescind the violation.