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Vice President

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August 14, 1990

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

Document Control Desk
US Nuclear Regulatory Commission
Mail Station P1-137
Washington, DC 20555

SUBJECT: 1990 Schedule for Annual Operator Test

This letter is to advise the NRC staff of the scheduling of our 1990 annual operating test for licensed reactor operators and senior reactor operators. Annual operating tests are required as part of the requalification program conducted pursuant to 10 CFR §55.59. The 1989 annual operating test was conducted in February and March. This year's test is to be given in September and October. This time was selected due to the scheduling of the recently completed major maintenance outage (February - July), preparations for a comprehensive INPO reaccreditation site visit, and in order to coordinate the annual operating test with a scheduled NRC requalification examination to be given in September.

We believe that this schedule fully satisfies the requirement of 10 CFR §55.59 that an operating test be conducted each calendar year. We note particularly that the regulation refers to "annual operating test" and does not specify "every twelve months" or similar phraseology. Our review of Title 10 regulations pertaining to testing/training intervals indicates that explicit reference to a rolling twelve month period is used when such a specific interval is intended. The absence of such terminology in 10 CFR §55.59 is, in our view, conclusive as to the intent and effect of the regulation in imposing a calendar year requirement. We have consistently followed such an application of "annual" since the promulgation of Part 55 in 1987.

On August 1, 1990, while Mr. Frank Inzirillo of my staff was attending an NRC Region I Operating License seminar, he learned that in at least one instance involving another facility the NRC had interpreted 10 CFR §55.59 in such a way that in effect imposed a twelve month operating test interval. Such a requirement would in our view be inconsistent with the wording of the regulation, and is unnecessary to satisfy the intent or achieve the purpose of the operator requalification program. We are also unaware that such an interpretation has been properly advanced in accordance with 10 CFR §55.6.

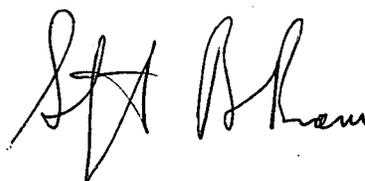
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Under our current program, there will be ten annual operating tests conducted each decade, while preserving needed flexibility to arrange training and testing in conjunction with other major activities such as outages. Accordingly, we request acknowledgment of the sufficiency of our annual operating test program for 1990. If the NRC staff is not prepared to apply 10 CFR §55.59 to require annual operating tests to be administered once each calendar year, then we hereby request, pursuant to 10 CFR §55.11, a one-time exemption from operating test schedular requirements so as to permit the conduct of the 1990 test in September and October.

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

Very truly yours,



cc: Mr. Thomas T. Martin
Regional Administrator - Region I
US Nuclear Regulatory Commission
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