

Stephen E. Quinn  
Vice President

Consolidated Edison Company of New York, Inc.  
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June 5, 1996

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: Reply to Notice of Violation  
(Inspection Report 50-247/96-01)

The attachment to this letter constitutes Con Edison's reply to the Notice of Violation (NOV) included with your May 6, 1996 letter concerning the inspection conducted from December 31, 1995 through March 2, 1996, at the Indian Point 2 facility, and the Predecisional Enforcement Conference held on April 24, 1996.

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

Very truly yours,

*John Mulroy*  
for Steve Quinn

Subscribed and sworn to  
before me this 5<sup>th</sup> day  
of June, 1996.

*Karen L. Lancaster*

Notary Public  
KAREN L. LANCASTER  
Notary Public, State of New York  
No 60-4643659  
Qualified in Westchester County  
Term Expires 9/30/97

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Attachment

cc: Mr. Thomas T. Martin  
Regional Administrator - Region I  
US Nuclear Regulatory Commission  
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Mr. Jefferey F. Harold, Project Manager  
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US Nuclear Regulatory Commission  
Mail Stop 14B-2  
Washington, DC 20555

Senior Resident Inspector  
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Buchanan, NY 10511

ATTACHMENT  
REPLY TO NOTICE OF VIOLATION

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
INDIAN POINT UNIT NO. 2  
DOCKET NO. 50-247  
JUNE, 1996

- A. 10 CFR 50.59 requires, in part, that the holder of a license authorizing operation of a production facility may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated into the license or an unreviewed safety question. A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question if the margin of safety as defined in the basis for any technical specification is reduced.

Indian Point Station Administrative Order (SAO)-460, 10 CFR 50.59 Safety Evaluation, Section 4.4 requires, in part, that the potential safety impact of a temporary repair be evaluated using Attachment II Part I to the procedure. For evaluations that affect the Updated Final Safety Analysis Report (UFSAR), Attachment IV, 10 CFR 50.59 safety evaluation Sections I - V shall be completed to determine if an unreviewed safety question exists, and a pre-implementation Station Nuclear Safety Committee (SNSC) review shall be performed.

Contrary to the above, on December 6, 1995, the licensee did not evaluate the potential safety impact of a temporary repair, in that the licensee made a temporary repair to the central control room roof, which was a change in the facility as described in the safety analysis report, without performing the required evaluations in Attachment IV of (SAO)-460. The licensee did not determine if the repair would place the control room ventilation system outside its design basis and if this involved an unreviewed safety question. Further, a pre-implementation SNSC review was not performed as required. Specifically, an expansion joint between the Unit 1 and Unit 2 interface in the Central Control Room (CCR) Roof was removed and a temporary membrane was installed. This condition resulted in an opening to atmosphere which existed for approximately four to six hours until the temporary membrane was put in place.

This membrane remained during the subsequent two months of unit operation. As a result the unit was operated with the CCR Air Filtration System in an unanalyzed condition. (01013)

This is a Severity Level III violation (Supplement I).

#### Response to Notice of Violation "A":

We acknowledge the concerns addressed in the Notice of Violation and agree that the event had no direct adverse effect on the health and safety of the public or plant personnel as noted in the cover letter to the NOV.

The basic or root cause of the deviation from the normal course of action in planning this Central Control Room (CCR) roofing project originated with the project having been assigned to a corporate commercial structures engineering group. This group has responsibility for such roofing projects around the entire Con Edison system, but had little or no experience with, or knowledge of, the specific structures at the Indian Point Station. The sensitivity to certain special aspects of the project, such as the possibility or consequences of introducing an air-inleakage pathway to the CCR as well as the reason for the existence of the expansion joint membrane, was therefore absent. This was exacerbated by reason of the roofing detail drawings not having been labeled as containing safety-related components. This early basic error led to a somewhat simplistic and incomplete scope of work being forwarded to and discussed with Nuclear Safety and Licensing (NS&L) who had the responsibility to review the need for a formal 10 CFR 50.59 safety evaluation. Since the roofing specialists were unaware that the removal of the existing roof covering had the potential for creating an leakage path to the CCR, the existence of the expansion joint membrane aspect of the work was not noted in the scope and the project was characterized as non-safety-related on the basis that the project would have no impact on the structural integrity of the building.

The project proceeded as a non-safety-related job with the roof contractor and the Con Edison Construction representative unaware of any safety significance associated with it. Therefore, when the prospect of inclement weather resulted in the work being suspended and a temporary membrane being secured in place as an interim measure to weatherproof the building, as required by the project specification, nothing was considered unusual about the job interruption. No safety evaluation was considered necessary since the roofing membrane, which was temporarily secured, was indeed the actual material to be used for the permanent roof installation.

As discussed in LER 96-04 on this subject, corrective actions included the permanent installation of the expansion joint membrane during a planned maintenance outage in February, 1996 and the discontinuation of the use of corporate non-nuclear power organizations in the engineering of Indian Point projects. The individuals involved as reviewers of this safety evaluation have been counseled to incorporate a greater degree of conservatism in their reviews. A supplement to LER 96-04 will include a review of other Indian Point roofing modifications that had been prepared by external corporate organizations. In addition, prior to the permanent installation of the roof covering the project was reclassified as safety-related and a formal 10 CFR 50.59 safety evaluation was prepared.

Relative to this project, full compliance with NRC regulations has now been achieved and systems are in place such that we are confident that a repetition of such a regulatory concern will not occur.

- B. 10 CFR 50.72(b)(ii) requires, in part, that the licensee shall notify the NRC as soon as practical and in all cases within one hour of the occurrence of an event or condition of the nuclear power plant which results in the nuclear power plant being outside the design basis of the plant.

Contrary to the above, on February 7, 1996, the licensee did not notify the NRC within one hour of the occurrence of a condition which resulted in the nuclear power plant being outside the design basis. Specifically, the licensee determined on February 7, 1996, that the expansion joint between the Unit 1 and Unit 2 interface in the Central Control Room Roof, which had been removed for a modification on December 6, 1995, resulted in an opening to atmosphere that existed for four to six hours until a temporary membrane was put in place. The temporary membrane remained in place during the subsequent two months of unit operation. These conditions are not within the plant's design basis. (02014)

This is a Severity Level IV violation (Supplement I)

Response to Notice of Violation "B":

It is acknowledged that Con Edison did not notify the NRC within one hour of a condition outside the design basis of the plant relative to the CCR roofing project.

Some details of the cause of the actual condition are presented above and a discussion of the description of the occurrence was outlined in LER 96-04 forwarded to the NRC on April 11, 1996. On February 7, 1996, cognizant Con Edison personnel became aware that on or about December 6, 1995, when the old roofing material was removed in order to be replaced, there was a period of approximately 4 hours during which an additional air inleakage path to the CCR may have existed. The membrane in this area of the roof prohibited an inspection from the exterior. Only limited access to the underside of this area of the roof was available. Thus, a limited inspection was performed which indicated that the potential leak path appeared to be plugged from the inside and the determination was made that it was unlikely that excess air inleakage had existed and so a one-hour notification was deemed not to be warranted. Further evaluation concluded that the original limited inspection did not provide sufficient assurance that an air-inleakage path did not exist. Therefore, on March 12, this incident was determined to be reportable. A followup report (LER 96-04) was submitted pursuant to 10 CFR 50.73(a)(2)(ii)(B).

In an effort to preclude future instances of this nature, personnel responsible for reportability determinations have refreshed their skills by reviewing aspects of the Federal Register notice (at 48 FR 39039 through 39046, August 29, 1983) concerning the "Immediate Notification Requirements of Significant Events at Operating Nuclear Power Reactors" with emphasis on the statement at 48 FR 39042, "When applying engineering judgement, and there is a doubt regarding whether to report or not, the Commission's policy is that licensees should make the report". In addition, "Group Think" training was conducted for members of the Station Nuclear Safety Committee (SNSC) and the Daily Management Review Group (DMRG) and was included in continuing training for Engineering Support Personnel (ESP).