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Vice President

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May 23, 1997

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

Document Control Desk  
US Nuclear Regulatory Commission  
Mail Station P1-137  
Washington, D.C. 20555

SUBJECT: Supplemental Reply to Notice of Violation (96-80-02 and  
96-80-09), Inspection Report 50-247/96-80

REFERENCES: 1) USNRC Letter dated January 28, 1997  
2) Con Ed Letter dated February 28, 1997  
3) USNRC Letter dated April 18, 1997

This letter is provided in response to your April 18, 1997 letter regarding two apparent violations identified during the Integrated Performance Assessment Process (IPAP) inspection. The IPAP site inspection was conducted at the Indian Point Unit 2 facility from November 12 through 22, 1996. Con Edison's Reply to the Notice of Violations identified during the inspection as documented in Reference 1 were provided to you by Reference 2. Within our response Con Edison disagreed with two apparent violations. You reviewed our response to these apparent violations and concluded in an April 18, 1997 letter that the characterization of the underlying events and their significance did not require any reformulation. To complete both of our files on this matter, Con Edison respectfully provides the attached supplemental information and clarifications regarding the apparent violations concerning both the Appendix R temporary nitrogen supply rig for valve 863 and our 30-day letter response to Generic Letter 96-06 dated October 30, 1996. We do so for clarification purposes and as a supplement to our February 28, 1997 letter, and do not anticipate a need for further correspondence pertaining to the events in question.

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

Very truly yours,

*Stephen E. Quinn*

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Attachment:

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ATTACHMENT  
SUPPLEMENTAL INFORMATION TO NOTICE OF VIOLATION  
INSPECTION REPORT 50-247/96-80

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
INDIAN POINT UNIT NO. 2  
DOCKET NO. 50-247  
May 1997

## Supplemental Response to Violation A

Con Edison procedure CI-240-1 ("Quality Assurance Program for Operating Nuclear Plants") describes a quality assurance program which is in accordance with the quality assurance requirements of 10 CFR 50, Appendix B<sup>1</sup>. This quality assurance program defines the requirements for establishing control of the activities affecting the quality of structures, systems, and components of the plant and its operation to an extent consistent with their importance to safety<sup>2</sup>. The determination of which systems, structures, and components affect safety is in accordance with Appendix B<sup>3</sup>. Those systems, structures, and components of the plant that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public are designated Class A and are listed on pages 16 to 22 of CI-240-1<sup>4</sup>. The provisions of CI-240-1 shall be followed for all Class A items<sup>5</sup>. Thus, Con Edison Class A items are subject to Appendix B.

Procedure CI-240-1, Supplement 2 ("Quality Assurance Program for Fire Protection Systems, Indian Point Unit 2") identifies the quality assurance requirements for non-Class A portions of fire-protection-related systems, structures, and components.<sup>6</sup> The bases for the fire protection quality assurance provisions are the applicable guidelines set forth in the Branch Technical Position (BTP) 9.5-1 Appendix A dated August 23, 1976 as committed to in Con Edison's Fire Protection Report Revision 1 dated April 1977 and Supplemental Con Edison letter of October 31, 1978<sup>7</sup>. This quality assurance program was approved by NRC SER dated January 31, 1979, which stated that the program "as provided in the Revision 1 comparison to BTP 9.5-1 submitted April 15, 1977 as supplemented by letter dated October 31, 1978, is found acceptable..." Supplement 2 applies to portions of the Fire Protection System, the failure of which could affect the operation of, or that are required for the protection of, safety-related and safe shutdown systems. Such fire protection items are designated "Class FP" and they are listed in Table I<sup>8</sup>. Table I, item 8, specifies that Alternate Safe Shutdown Systems (ASSS) and other systems described in the FPPP for compliance with Appendix R are Class FP. The quality assurance program description applicable to Class A items is not applicable to the fire protection quality assurance provisions unless such items are specifically referred to in Supplement 2 or in the Fire Protection Program Plan (FPPP)<sup>9</sup>. Thus, Con Edison Class FP items are not subject to Appendix B, Class A safety related requirements.

Valve 863 has three functions. Its Class A functions are to maintain containment integrity, which requires that the valve be closed, and to supply nitrogen to the pressurizer power operated relief valves (PORVs) for low temperature overpressure protection, which requires that the valve be open. The first of these safety related functions would be required during a design basis accident (DBA) which means that valve 863 is a Class A item and is subject to CI-240-1 for that function. The second of these safety related functions would be required to prevent the progression of events leading to a licensing basis accident, which also means that valve 863 is a Class A item. However, valve 863 also must serve a third function, which is to supply nitrogen to ASSS components inside containment during certain postulated fires. This in turn means that valve 863 is Class FP, and is subject to CI-240-1, Supplement 2 for this function. Section III.L.6 of

Appendix R states that "shutdown systems installed to ensure postfire shutdown capability need not be designed to meet seismic Category I criteria, single failure criteria, or other design basis accident criteria..." These criteria are for safety related items which are governed by the Class A requirements of CI-240-1 as required by Appendix B, not the Class FP requirements of CI-240-1, Supplement 2. Since the temporary nitrogen rig to operate the valve would only be installed when the valve's Class FP function was required, single failure criteria do not apply and only a Class FP regulator of the proper size was needed for the temporary rig which would normally not be installed on the valve.

The regulator actually used in the temporary nitrogen rig, but never installed onto valve 863, was not the correct regulator that was specified in the safety evaluation. The fact that an incorrect regulator was used does not mean that single failure criteria now apply as a design requirement. The issue is the installation of an incorrect regulator, contrary to the requirements of the TPC to procedure AOI 27.1.9, ("Control Room Inaccessibility, Safe Shutdown Control"). This issue is now moot, as a permanent modification has been installed in accordance with appropriate Class A criteria.

Your letter dated April 18, 1997 discusses the function of valve 863 to provide nitrogen to the power operated relief valves (PORVs) so that the PORVs can function as part of the overpressure protection system when the plant is taken to cold shutdown, which may be required in the event of a fire. This function for valve 863 is the same as the second function discussed above, which is to supply nitrogen to components inside containment to ensure post-fire shutdown. However, the PORVs are not considered safe shutdown components, and although the function is a safety related function, the PORVs have accumulators for nitrogen storage. Technical Specification 3.1.A.4.a provides operating restrictions for an inoperable OPS.

In summary, the quality assurance program for Class FP items is controlled by CI-240-1, Supplement 2 which is a separate quality assurance program from that required by Appendix B to 10 CFR 50.

Footnotes:

- 1 Con Edison Corporate Instruction (CI-240-1, Section 1.0, "Quality Assurance Program Scope"
- 2 CI-240-1, Section 1.2, "Control of Activities Affecting Quality"
- 3 CI-240-1, Section 1.3, "Systems/Structures/Components Affecting Safety"
- 4 CI-240-1, Section 1.3, "Systems/Structures/Components Affecting Safety"
- 5 CI-240-1, Section 1.5
- 6 CI-240-1, Supplement 2, "Purpose"
- 7 CI-240-1, Supplement 2, Section 1.1, "Bases" under "Quality Assurance Program Scope"
- 8 CI-240-1, Supplement 2, Section 1.2, "Applicability"
- 9 CI-240-1, Supplement 2, Section 1.1, "Bases" under "Quality Assurance Program Scope"

### Supplemental Response to Violation E

Con Edison wishes to reiterate the intent of our 30-day letter response to Generic Letter 96-06 and submit the following additional clarifications. It was our intent and understanding that the evaluations performed by the outside consultant, at the time of the required 30-day response, were preliminary. Those evaluations were undergoing an internal review by Con Edison. As such, the conclusions drawn by the evaluations as described in the 30-day response letter were also preliminary. We agree that the wording provided in our response could have been made clearer by explicitly pointing out that the further analysis to be performed for other portions of the system also encompassed the fan cooler units. Con Edison's intent was to perform an analysis of the remaining portions of the applicable service water piping *including* an independent review of the preliminary evaluation of the fan cooler units. The proposal received from our consultant stated that the review objective was to determine the effects of the fan and pump coastdown characteristics to determine when boiling was expected and how much boiling would occur. Indeed, this was the process used to complete the final evaluations in response to the generic letter. While we acknowledge that our 30-day response to the generic letter could have been clearer in discussing the preliminary nature of the conclusions drawn from the evaluations performed, we do not believe that the text utilized was so inadequate or incomplete as to warrant its citation as a violation.

Appropriate members of station staff delegated to sign correspondence of this nature have been briefed on this matter and consoled on the importance of clarity in clarity in written communication to the NRC.