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7950-01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CONSOLIDATED EDISON COMPANY	)	Docket No. 50-247
OF NEW YORK, INC.	)	
	)	
(Indian Point Nuclear	)	
Generating Unit No. 2)	)	

EXEMPTION

I.

Consolidated Edison Company of New York (Con Edison, the licensee) is the holder of Facility Operating License No. DPR-26 which authorizes operation of the Indian Point Nuclear Generating Unit No. 2 (IP-2). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect. The facility consists of one pressurized water reactor (PWR) at the licensee's site located in Westchester County, New York.

The revision to 10 CFR Part 55, "Operators' Licenses," which became effective on May 26, 1987, established requirements for the administration of operating tests on nuclear power plant simulators. These regulations, in conjunction with 10 CFR 50.54(i-1), require facility licensees to use simulation facilities when administering operating tests for initial licensing and requalification. These regulations further require that a certified or NRC-approved simulation facility must be used to administer operating tests after May 26, 1991. By letter dated January 11, 1991, Con Edison requested an exemption from the schedular requirements for certification of a plant-referenced simulator.

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II.

The licensee intends to comply with 10 CFR 55.45(b) by certifying a plant-referenced simulator. Section 55.45(b)(2)(iii) of 10 CFR Part 55 requires that facility licensees proposing to use a simulation facility consisting solely of a plant-referenced simulator submit Form NRC-474, "Simulation Facility Certification," no later than 46 months after the effective date of this rule, that is, by March 26, 1991. On January 11, 1991, Con Edison requested an exemption from this filing requirement to allow for the submittal of NRC Form-474 after March 26, 1991, but no later than March 26, 1992. Additionally, Con Edison requested an exemption from the requirements of 10 CFR 55.45(b)(2)(iv) to allow the simulation facility portion of the operating tests to continue to be administered on the existing IP-2 simulator before the new simulator is certified and ready for training and examinations.

Con Edison completed proposal reviews and contract award for a new IP-2 simulator in September 1988, with an original ready for training date of March 14, 1991. However, the simulator vendor has advised Con Edison that additional time will be required. The new IP-2 simulator is currently expected to be ready for training and examinations by May 26, 1992.

The licensee intends to maintain the existing IP-2 simulator as appropriate to continue operator training and examinations until the new simulator is certified and ready for training and examinations. Con Edison initially planned to upgrade and certify the existing simulator, which became

operational in 1973. During NRC-administered examinations conducted from October 24 to November 3, 1989, it was noted that the existing simulator had received improvements which incorporated control board changes and improved software. In a meeting at NRC Headquarters on October 3, 1990, the licensee informed the NRC of additional modifications which were either installed or planned.

During the proposed exemption period, from May 26, 1991, until certification of the new simulator, only one set of operating tests is scheduled. These tests, for licensed operator requalification, will include NRC-administered examinations and are scheduled for August of 1991. No other initial or requalification operating tests are scheduled before the planned certification date of March 26, 1992.

III.

The Commission has determined, pursuant to 10 CFR 55.11, that this exemption is authorized by law and will not endanger life or property and is otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. This exemption grants a temporary relief period of twelve months from the March 1991 date for submittal of the IP-2 simulation facility certification. Additionally, this exemption allows the licensee to

continue to use the existing IP-2 simulator for the administration of the simulation facility portion of operating tests scheduled before May 26, 1992, or until the new simulator is certified and ready for training and examinations if this occurs sooner. Good faith efforts to comply with the regulation were made as follows:

- (1) The existing IP-2 simulator became ready for training in 1973 and the licensee initially planned to certify it as a plant-referenced simulator.
- (2) On January 27, 1987, in a meeting at the NRC's Region I offices, the licensee presented plans to upgrade the existing IP-2 simulator and certify it by the end of 1989.
- (3) On October 29, 1987, in a meeting at NRC Headquarters, Con Edison discussed the details of the upgrade program for the existing IP-2 simulator.
- (4) On May 11, 1988, in a meeting at NRC Headquarters, the licensee presented plans to procure a new IP-2 simulator while also upgrading the existing simulator.
- (5) In September 1988, Con Edison awarded a contract for a new IP-2 simulator with an original ready for training date of March 14, 1991.
- (6) On October 18, 1988, in a meeting at NRC Headquarters, Con Edison discussed plans for the development of the new simulator and maintenance and upgrading of the existing simulator. The estimated certification date was March 26, 1991.

- (7) On November 14, 1988, in a meeting at NRC Headquarters, the licensee discussed the status of the new IP-2 simulator project. Although fabrication of hardware was approximately one month behind schedule, Con Edison still expected to meet the certification deadline.
- (8) On October 3, 1990, in a meeting at NRC Headquarters, the licensee presented an updated status of the new IP-2 simulator project. Software integration was approximately five months behind schedule.
- (9) The licensee intends to certify the new IP-2 simulator by March 26, 1992, and to maintain the existing simulator until that time.

The Commission hereby grants an exemption from the schedular requirements of 10 CFR 55.45(b)(2)(iii) for submittal of NRC Form 474, "Simulation Facility Certification." This exemption is effective until March 26, 1992.

Furthermore, the Commission hereby grants an exemption from the requirement of 10 CFR 55.45(b)(2)(iv) for administration of the simulation facility portion of operating tests only on certified or approved simulation facilities after May 26, 1991. This exemption is effective until receipt of NRC Form 474 plus the time required for training but does not include any operating tests after May 26, 1992.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (56 FR 12283).

The licensee's initial exemption request dated January 11, 1991, is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

The Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Edward G. Greenman".

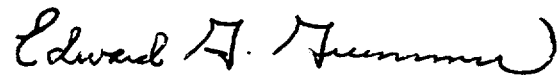
Edward G. Greenman, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 25th day of March 1991.

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FOR THE NUCLEAR REGULATORY COMMISSION



Edward G. Greenman, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 25th day of March 1991.