

Indian Point 3  
Nuclear Power Plant  
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**New York Power  
Authority**

John H. Garrity  
Resident Manager

December 27, 1993  
IPN-93-169

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Mail Station PI-137  
Washington, D.C. 20555

Subject: Indian Point 3 Nuclear Power Plant  
Docket No. 50-286  
License No. DPR-64  
Reply to Notice of Violation 50-286/93-22-03

Dear Sir:

The Authority agrees with the Notice of Violation contained in NRC Region I Inspection Report 50-286/93-22. Attachment I is the Authority's reply to the violation. The commitments made in this reply are listed in Attachment II.

Very truly yours,

John H. Garrity  
Resident Manager  
Indian Point 3 Nuclear Power Plant

JHG/DWO/vjm

Attachments

cc: See next page

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cc: Mr. Thomas T. Martin  
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U.S. Nuclear Regulatory Commission  
Resident Inspectors' Office  
Indian Point 3 Nuclear Power Plant

Attachment I  
Reply to Notice of Violation 50-286/93-22-03

**Violation**

During an NRC inspection conducted on August 31, 1993 to October 20, 1993, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1993), the violation is listed below:

1. 10 CFR 50.59 (b)(2) requires, in part, that licensees submit a report containing a brief description of any changes tests, and experiments, including a summary of the safety evaluation of each. The report may be submitted annually or along with the FSAR updates as required by 10 CFR 50.71 (e), or at such shorter intervals as may be specified in the license.

Contrary to the above, the licensee has routinely failed to submit both the brief description and the summary of the safety evaluation for temporary modifications conducted under the provisions of 10 CFR 50.59 at the facility. As one example, TM 1387, a safety significant temporary modification which involved jumpering a cell on Battery No. 32, was completed in October 1991, but was never reported with the 10 CFR 50.59 Annual Report.

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

**Response To The Violation**

The Authority agrees with this violation in that we have failed to routinely report temporary modifications conducted under the provisions of 10 CFR 50.59.

**Reason For The Violation**

The cause of this event was personnel error. The initiator of temporary modification (TM) 1387 failed to understand that a nuclear safety evaluation (NSE) was required. A contributing cause for this error was an inadequate investigation of the Final Safety Analysis Report (FSAR) by the initiator. Also contributing to the personnel error was procedural inadequacy in that Administrative Procedure (AP) 13, "Temporary Modification Procedure," did not provide the detailed guidance and an understandable form necessary to avoid uncertainty in the requirements. The absence of a NSE resulted in the reporting

threshold required in Technical Services Procedure (TSP) 24, "Procedure for the Preparation, Review and Approval of the Annual Report to the Nuclear Regulatory Commission required by 10 CFR 50.59," not being met.

#### Corrective Actions That Have Been Taken

The following corrective actions have been taken:

- The temporary modification safety assessment/technical review form in AP-13, "Temporary Modification Procedure," has been revised to include a specific section addressing whether the temporary modification represents a change to the facility as described in FSAR. If a change to the FSAR is represented by the temporary modification, then a NSE is required to be performed. This revision became effective July 15, 1993.
- Personnel in departments responsible for Temporary Modification review and approval have been apprised of the violation, the revision to the review form and the importance of identifying whether a temporary modification represents a change to the facility as described in the FSAR.
- The Technical Services department's System Engineering is evaluating the extent of this condition that led to this violation. The results of this review have not yet been determined.

#### Corrective Actions That Will Be Taken To Prevent Recurrence

The following corrective actions will be taken to prevent recurrence:

- System Engineering is currently performing a sample review of open temporary modifications to ensure that the requirements of 10 CFR 50.59 have been satisfied. This review was initiated on December 14, 1993 and will be completed by December 31, 1993.
- AP-13, "Temporary Modification Procedure," will be further revised to address the concerns and recommendations identified in NRC Region I Inspection Report 50-286/93-22 with regard to temporary modifications. The revision will be completed by January 15, 1994.
- TSP-24, "Procedure for the Preparation, Review and Approval

of the Annual Report to the Nuclear Regulatory Commission Required by 10 CFR 50.59," will be completed by January 15, 1994.

**The Date When Full Compliance Will Be Achieved**

The Authority will be in full compliance when the next annual report required by 10 CFR 50.59 is sent to the NRC. This will occur no later than January 22, 1995 for the 1993 reporting period.

Attachment II  
Reply to Notice of Violation 50-286/93-022-03

Number	Commitment	Due
IPN-93-169-01	System Engineering is currently performing a sample review of open temporary modifications to ensure that the requirements of 10 CFR 50.59 have been satisfied. This review was initiated on December 14, 1993 and will be completed by December 31, 1993.	December 31, 1993
IPN-93-169-02	AP-13, "Temporary Modification Procedure," will be further revised to address the concerns and recommendations identified in NRC Region I Inspection Report 50-286/93-22 with regard to temporary modifications. The revision will be completed by January 15, 1994.	January 15, 1994
IPN-93-169-03	TSP-24, "Procedure for the preparation, Review and Approval of the Annual Report to the Nuclear Regulatory Commission Required by 10 CFR 50.59," will be completed by January 15, 1994.	January 15, 1994