

May 12, 1995

Mr. Leslie Hill, Jr.  
Resident Manager  
New York Power Authority (NYPA)  
Indian Point 3 Nuclear Power Plant  
Post Office Box 215  
Buchanan, New York 10511

**SUBJECT: NRC INSPECTION REPORT NO. 50-286/95-04 AND NOTICE OF VIOLATION**

Dear Mr. Hill:

This refers to the safety inspection conducted by Mr. R. Rasmussen and others of this office, from March 28, 1995, through April 17, 1995. The inspection included a review of activities authorized for the Indian Point 3 Nuclear Power Plant, Buchanan, New York. At the conclusion of the inspection, the findings were discussed with you and members of your staff at an exit meeting on April 20, 1995.

This inspection was directed toward areas important to public health and safety. Areas examined are identified in the enclosed report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations of activities in progress. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements.

Overall the activities observed were effective in assuring the safe operation of the Indian Point 3 Nuclear Power Plant. During the period, we observed conservative plant operation and good problem evaluation and resolution by you and your staff. Most notable was your decision to delay exiting cold shutdown to replace the 33 battery, which minimized potential challenges to plant operators. Other examples included the evaluation and resolution of post modification testing and the safety injection flow resistance issues.

However, we are concerned with your staff's weak performance during containment closeout walkdowns. Additionally, failing to utilize procedures or otherwise evaluate cross tying the 33 and 34 DC panels appears to be a violation of NRC requirements as specified in the enclosed Notice of Violation (Notice). The violation is of concern because personnel performance, specifically attention to details and maintaining a questioning attitude, continues to occur and warrants your attention.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future

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inspections, the NRC will determine whether future NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures and your response will be placed in the NRC Public Document Room (PDR). To the extent possible your response should not include personal privacy, propriety, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public. The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511. Your cooperation is appreciated.

Sincerely,

Original Signed by:

Curtis J. Cowgill III, Chief  
Projects Branch No. 1  
Division of Reactor Projects

Docket No. 50-286

Enclosures:

1. Notice of Violation
2. NRC Region I Inspection Report No. 50-286/95-04

cc w/encls:

S. Freeman, President  
R. Schoenberger, Chief Operating Officer  
W. Cahill, Jr., Executive Vice President and Chief Nuclear Officer  
W. Josiger, Vice President - Nuclear Operations  
J. Kelly, Vice President - Regulatory Affairs and Special Projects  
T. Dougherty, Vice President - Nuclear Engineering  
R. Deasy, Vice President Appraisal and Compliance Services  
R. Patch, Director - Quality Assurance  
G. Wilverding, Manager, Nuclear Safety Evaluation  
G. Goldstein, Assistant General Counsel  
C. Faison, Director, Nuclear Licensing  
A. Donahue, Mayor, Village of Buchanan  
C. Jackson, Nuclear Safety and Licensing Manager (Con Ed)  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
Chairman, Standing Committee on Energy, NYS Assembly  
Chairman, Standing Committee on Environmental Conservation, NYS Assembly  
E. Nullet, Executive Chair, Four County Nuclear Safety Committee  
Chairman, Committee on Corporations, Authorities, and Commissions  
Robert D. Pollard, Union of Concerned Scientists  
The Honorable Sandra Galef, NYS Assembly  
Director, Energy & Water Division, Department of Public Service, State of  
New York  
A. Song, Assistant Secretary to the Governor  
State of New York, SLO Designee

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Inspection Program Branch, NRR (IPAS)

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\*See previous concurrences

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