

August 28, 1995

EA 95-176

Mr. Leslie M. Hill, Jr.
Site Executive Officer
New York Power Authority
Indian Point 3 Nuclear Power Plant
Post Office Box 215
Buchanan, NY 10511

SUBJECT: NRC INSPECTION REPORT NO. 50-286/95-12 AND NOTICE OF VIOLATION

Dear Mr. Hill:

This refers to the safety inspection conducted by Mr. T. Frye, and others of this office, from July 11 through August 7, 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 August 10, 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.

Based on the results of this inspection, one apparent violation was identified that is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600, (60 FR 34381; June 30, 1995). As described in Section 2.3 of this report, from July 10, 1995, through July 12, 1995, the Indian Point 3 Nuclear Power Plant was operated outside the reactor coolant system operating pressure described in the Final Safety Analysis Report (FSAR) without performing a 10 CFR 50.59 safety evaluation. Although a subsequent licensee safety evaluation stated that the safety consequences were minimal, the New York Power Authority's (NYPA) performance during and in response to the event was poor. Senior management was slow to recognize the problem, and corrective actions were not timely or complete. This event, coupled with other recent events, reflect a significant weakness in NYPA's understanding and implementation of the licensing and design bases. Specifically, during NRC inspection 50-286/95-04, the DC panels were cross connected without performing a safety evaluation to determine the impact of the additional loads on the ability of a safety-related battery to perform its safety function. Also, as described in section 4.1 of this report, the weld channel containment penetration pressurization system was operated above the normal operating pressure as described in the FSAR without performing a 10 CFR Part 50.59 evaluation.

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The circumstances surrounding this apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and members of your staff at an inspection meeting on August 7, 1995. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, or (2) request a predecisional enforcement conference.

Your response should be clearly marked as a "Response to an Apparent Violation in Inspection Report No. 50-286\95-12" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose not to provide a response and would prefer participating in a predecisional enforcement conference, please contact Mr. Curtis J. Cowgill at (610) 337-5233 as soon as possible.

Please be advised that the characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In addition, on August 1, 1995, during reactor flux mapping, a power supply switch was operated while red tagged. We are concerned that the problem of operation and removal of red tagged components is recurring, and that previous corrective actions were ineffective. Based on the results of this inspection, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding are described in detail in this inspection report.

You are required to respond to this violation 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 inspections, the NRC will determine whether future NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Leslie Hill, Jr.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, your response to the apparent violation (if you choose to provide one), and your response to the Notice will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses to the apparent violation described in the enclosed inspection report 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.

Sincerely,

ORIGINAL SIGNED BY:

Richard W. Cooper, II, Director
Division of Reactor Projects

Docket No. 50-286

Enclosures:

1. Notice of Violation
2. NRC Region I Inspection Report No. 50-286/95-12

cc w/encls:

R. Schoenberger, President and Chief Operating Officer
W. J. Cahill, Jr., Chief Nuclear Officer
W. Josiger, Vice President - Engineering and Project Management
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, Director - Independent Oversight
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
F. Valentino, President, New York State Energy Research
and Development Authority

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JGRAY *
8/28/95

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