

NOTICE OF VIOLATION

New York Power Authority
Indian Point 3 Nuclear Power Plant

Docket No. 50-286
License No. DPR-64

During an NRC inspection conducted on April 7 - May 1, 1997, several violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR Part 50, Appendix B, Criterion XVI, requires that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above,

- (1) Measures were not established to promptly correct a deviation between the final safety analysis report (FSAR) description and the fuel storage building ventilation system surveillance test (3PT-R32A). The FSAR, Section 9.5.2, states in part that, "Prior to handling operations, when irradiated fuel is within the fuel handling building, tests are performed to verify the building leak tightness." A January 28, 1994 vendor report, "Design Basis for the IP3 FSB Ventilation System Emergency Mode of Operation," recommended that the acceptance criteria for the fuel storage building (FSB) ventilation surveillance test be revised to measure the FSB for leak tightness. On January 17, 1997, the NRC identified that FSB surveillance test did not contain acceptance criteria to measure FSB leak tightness. As of April 25, 1997, although a qualitative engineering assessment indicated the required negative pressure would be maintained in the FSB, the FSB ventilation surveillance test had not been revised to verify and specifically assess FSB leak tightness.
- (2) On April 24, 1997, measures were not established to promptly identify that a FSB ventilation system supply damper failed to close. Following the identification of the failed open damper by the team, the FSB ventilation system was declared inoperable.
- (3) Measures were not established to promptly ensure that conditions adverse to quality, namely deficient components were replaced. On May 1, 1994, the licensee determined that the thermal overload heaters for two safety-related motor-operated valves (SI-MOV-887A and 887B) were undersized (IP3-CALC-ED-01074). As of April 7, 1997, the licensee had not replaced the thermal overload heaters or documented an operability determination to assess the acceptability of the existing thermal overload heaters.

This is a Severity Level IV violation (Supplement I).

- B. Technical Specification 6.8.2, requires that procedures for surveillance and test activities for safety-related equipment, and changes thereto, shall be approved prior to implementation by the appropriate responsible members of management. Technical Specification 6.8.3, requires, in part, that temporary changes to safety-related surveillance procedures may be made provided that the change is documented, and reviewed, and approved by the appropriate members of plant management.

Contrary to the above, as of April 25, 1997, several changes were made to the last safety-related surveillance tests accomplished through procedures 3PT-003A, -003B, 003C, and 003E, Safety Injection System Test, without those changes being properly documented, reviewed, and approved.

This is a Severity Level IV violation (Supplement I).

- C. 10 CFR Part 50, Appendix B, Criterion III, requires that measures shall be established to assure that applicable regulatory requirements and the design basis, ..., for those structures, systems, and components to which this appendix applies are correctly translated into specifications, drawings, procedures, and instructions.

Contrary to the above, before April 10, 1997, the licensee failed to assure that design basis information for the 33 station battery was correctly translated into surveillance test procedures. Specifically, a memorandum IP-DEE-97-170, dated April 10, 1997, provided acceptance criteria for incorporation into the 33 battery surveillance test procedure that was not correctly derived from calculation IP#-CALC-EL-00186.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, the New York Power Authority is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the 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 may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at King of Prussia, PA
this 19th day of June, 1997