

ENCLOSURE 1

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 completed on March 23, 1998, 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, Criterion V, "Instruction, Procedures, and Drawings," requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Contrary to the above, two examples were identified in which activities affecting quality were not prescribed by procedures appropriate to the circumstances.

1. On March 8, 1997, procedure 3PT-Q77, Revision 3, "Containment Fan Cooler Units Manual Isolation Valves," was not appropriate to the circumstances because the procedure incorrectly reflected the positions of valves SWN 71-1 through 71-5 as open. Engineering test ENG-281, "Service Water System Flow Balance Test," had established the correct position of these valves as throttled. As a result, these valves were found in the open position vice the throttled position.
2. On March 9, 1998, procedure COL-EL-5, Revision 21, "Emergency Diesels," was not appropriate to the circumstance because the procedure did not reflect the revised speed setting for the 31 emergency diesel generator governor.

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

- B. 10 CFR 50, Appendix B, Criterion XVI, "Corrective Action," requires in part that measures be established to assure that conditions adverse to quality are promptly identified and corrected. Further, in the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

Contrary to the above, two examples were identified in which significant conditions adverse to quality were either not promptly identified and corrected, or the cause of the condition was not determined and actions not taken to preclude repetition.

1. From March 1, 1995, through July 2, 1997, the New York Power Authority (NYPA) did not promptly identify and correct a significant condition adverse to quality associated with the potential for a common cause carbon dioxide control system failure that could isolate ventilation to the three emergency diesel rooms.

2. From August 2, 1997 through March 6, 1998, NYPA did not determine the cause of a fan cooler unit motor breaker failure to close and did not take corrective actions to preclude repetition of the failure. As a result, on March 6, 1998, the same fan cooler unit motor breaker failed to close.

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

- C. 10 CFR 73.56(g) requires each licensee audit its access authorization program at least every 24 months to ensure that the requirements of 10 CFR 73.56 are being satisfied.

The Indian Point Station, Unit #3, Physical Security Plan (the Plan), Revision 15, dated April 26, 1996, Section 4.3.4, states, in part, that "Personnel to whom unescorted access to the Protected or Vital Areas is granted, are screened in accordance with Regulatory Guide 5.66 and that all elements of Regulatory Guide 5.66 have been implemented to satisfy the requirements of 10 CFR 73.56."

The Appendix to Regulatory Guide 5.66 titled, "Industry Guidelines for Nuclear Power Plant Access Authorization Programs," developed by the Nuclear Management Resources Council (NUMARC 89-01), provides an approach acceptable to NRC staff by which the licensee can meet the requirements of 10 CFR 73.56. Section 13.1 of NUMARC 89-01 states, in part, that an independent evaluation of the unescorted access authorization program and its conformance to these guidelines must be made within 12 months of the effective date of implementation of the access authorization program and at least once every 24 months.

Contrary to the above, on February 20, 1998, the inspector determined that the most recent audit of the access authorization program was not performed in accordance with regulatory requirements and licensee commitments. The determination was based on the audit teams' use of a Nuclear Energy Institute (NEI) document, (94-02), Part 2, titled "Standardized Access Authorization Audit Checklist," as the method of auditing the licensee's access authorization program. This particular audit checklist was developed for use by industry auditors when conducting audits of a licensee's contracted access authorization program. The NEI method is not suitable for auditing of a licensee's program. Several key elements of the licensee's program were excluded during the audit process, including the evaluation criteria for unescorted access and grandfathering of employees under the provisions of 10 CFR 73.56.

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

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 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, Pennsylvania  
this 9th day of April 1998