



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 2, 1996

EA 95-251

Mr. William J. Cahill, Jr.  
Chief Nuclear Officer  
New York Power Authority  
123 Main Street  
White Plains, New York 10601

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
- \$50,000  
(NRC Inspection Report No. 50-286/95-15)

Dear Mr. Cahill:

This letter refers to the NRC inspection conducted on September 19 through October 30, 1995, at the Indian Point 3 Nuclear Power Plant. An exit meeting was conducted on November 2, 1995. During the inspection, the inspectors conducted an independent evaluation of the circumstances surrounding an event which occurred at the facility on October 15, 1995, involving the plant exiting the cold shutdown condition with the control switches for the recirculation and containment spray pumps in the trip pullout position. The event, as well as the related violation of the technical specification, was identified by a member of your Quality Assurance staff, and was described in the NRC inspection report transmitted with our letter, dated November 30, 1995. On December 13, 1995, an open Predecisional Enforcement Conference was conducted with you and members of your staff to discuss the violations, their causes, and your corrective actions.

The violation of the technical specifications is described in the enclosed Notice of Violation. The technical specifications require that at least one recirculation pump and two containment spray pumps be operable prior to entering the hot shutdown condition. However, on October 15, 1995, the reactor was heated up above the cold shutdown condition (200°F) with both recirculation pumps and both containment spray pumps inoperable because of the control switches in the control room being in the trip pullout position. In that position, the automatic start features of the containment spray pumps were defeated, and the normal sequence for manually starting the recirculation pumps was altered. This condition existed for about four hours, until it was identified by a member of your Quality Assurance staff during his review of the control room conditions.

The NRC commends the Quality Assurance individual who identified this condition, which was corrected within ten minutes of identification. However, the performance of the operations staff in this matter was poor. The responsible control room supervisor initialed steps in the "Plant Heatup From Cold Shutdown" procedure indicating that the recirculation pumps and the

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containment spray pumps were operable (even though he knew the switches were in the trip pullout position) because he believed that subsequent steps in the procedure would require that the switches be placed in automatic prior to the heatup. Although such a requirement had previously existed in the procedure, it had been deleted in 1993. In addition, the responsible Shift Manager also initialed the procedure indicating that the pumps were operable when they were not. Furthermore, after the heatup was started, a control room supervisor shift turnover, which included a detailed control board walkdown, was conducted, but failed to identify that the recirculation and containment spray pump switches were in the trip pullout position and did not support exiting the cold shutdown condition. Finally, for several hours, the control room operators did not discover the switches in the trip pullout position, nor question this discrepant position, even though they should have been aware of the status of the equipment on the control boards. These failures by operations staff constitute three additional violations of NRC requirements which are also described in the enclosed Notice.

The NRC acknowledges that the safety significance of the technical specification violation relative to plant status was minimal, considering that the reactor coolant system temperature was about 230°F at the time of discovery. At this temperature, a loss of coolant accident would not result in plant conditions that would require the automatic starting of the containment spray pumps. Further, a common safeguards system alarm existed in the control room, which would have been expected to be cleared when the auxiliary feedwater and safety injection pumps were made operable prior to exceeding 350°F, but would not have cleared because of the inoperable recirculation and containment spray pumps, and thereby, would have alerted the operators. Nonetheless, the violation is of significant concern to the NRC because of the poor performance of the operations staff, given the fact that several members of multiple organizational levels of the operations staff had an opportunity to detect the mispositioned switches, both prior to, and following the heatup, but did not do so. Given the regulatory significance of this performance, the violations indicate a lack of adequate attention to licensed responsibilities and have been categorized in the aggregate at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, (60 FR 34381; June 30, 1995).

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Indian Point 3 has been the subject of an escalated enforcement action within the last two years (for example, issuance of a Severity Level III violation without a civil penalty was issued to you on October 16, 1995 for a violation associated with the operation of the reactor for two days at low pressure without performing an evaluation pursuant to 10 CFR 50.59; Reference, EA 95-176). Therefore, in accordance with the enforcement policy, the NRC considered whether credit was warranted for identification and corrective action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy.

The NRC has decided that credit for identification is warranted because of the timely actions of the Quality Assurance Inspector which prevented further heatup of the reactor. Credit for corrective action is also warranted because your corrective actions, after identification, were considered prompt and comprehensive. These actions, which were noted in the inspection report, and your presentation at the predecisional enforcement conference, included, but were not limited to: (1) management personnel and organizational changes to enhance the communication of expectations to operators, (2) significant assessment and monitoring of operators to ensure clear understanding of expectations and a satisfactory level of performance, (3) review of and revisions to procedures to minimize challenges to the operators, and (4) accountability initiatives to reinforce performance standards.

In view of your identification and corrective actions, a civil penalty normally would not be issued. However, after consultation with the Director of Enforcement and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research, I have been authorized to exercise discretion and issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$50,000 for this Severity Level III problem, because of the poor performance by the operations staff. The penalty is intended to emphasize (1) the importance of adherence to procedural requirements to ensure that the plant is operated in accordance with the technical specifications, and (2) prompt identification and comprehensive correction of violations when they exist. If not for the identification of the plant condition by the Quality Assurance inspector, a larger civil penalty would have been issued.

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 any 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 further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

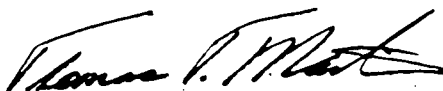
In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that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

Mr. William J. Cahill, Jr.

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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.

Sincerely,



Thomas T. Martin  
Regional Administrator

Docket Nos. 50-286  
License Nos. DPR-64

Enclosure: Notice of Violation and  
Proposed Imposition of Civil Penalty

cc: w/encl

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