



Ralph E. Beedle
Executive Vice President
Nuclear Generation

May 17, 1991
IPN-91-019

Mr. James Lieberman
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Document Control Desk

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
Order Imposing Civil Monetary Penalty

- References:
1. Letter from Mr. Thomas T. Martin to Mr. John C. Brons, dated December 7, 1990, entitled, "Notice of Violation and Proposed Imposition of Civil Penalty - \$50,000 (NRC Inspection Report 50-286/90-16)."
 2. Letter from Mr. John C. Brons to Director, Office of Enforcement, dated January 18, 1991, entitled, "Indian Point 3 Nuclear Power Plant Reply and Answer to Notice of Violation and Proposed Imposition of Civil Penalty Regarding NRC Inspection Report No. 50-286/90-16."
 3. Letter from Mr. James H. Sniezek to Mr. R. Beedle, dated April 19, 1991, entitled, "Order Imposing Civil Monetary Penalty - \$50,000."

Dear Mr. Lieberman:

In Reference (1), the NRC Staff issued a Notice of Violation and proposed a \$50,000 civil penalty against the New York Power Authority for alleged operator inattentiveness at Indian Point 3. The Power Authority responded in Reference (2) requesting that the NRC Staff withdraw the Notice of Violation and Proposed Civil Penalty. The NRC Staff issued its Order in Reference (3) imposing the proposed civil penalty in full.

The Power Authority is disappointed that the NRC Staff has not seen fit to withdraw the NOV or mitigate the civil penalty. The Power Authority believes that there is a valid distinction to be made between actual operator inattentiveness and the appearance of operator inattentiveness (which is at the heart of this case). We certainly do not condone either, and have taken aggressive

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steps to assure that our operators are both attentive in fact and also appear to be attentive. But from a regulatory perspective, we believe that the severity of the enforcement action taken by the NRC Staff is disproportionate to the gravity of the alleged conduct. The Power Authority also believes that the proposed civil penalty should have been mitigated because its corrective actions were prompt and comprehensive.

Nevertheless, upon consideration of our options, we have decided to waive our right to a hearing and to put this event behind us. We desire to move forward with our licensed activities, and with our relationship with the NRC, in a constructive manner. Accordingly, the Power Authority has determined to pay the civil penalty. Enclosed herewith is our check for \$50,000 in full payment of that penalty.

If you have any questions regarding this matter, please contact me.

Very truly yours,



Ralph E. Beedle
Executive Vice President
Nuclear Generation

cc: U.S. Nuclear Regulatory Commission
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